



CITY OF HAYWARD AGENDA REPORT

Meeting Date 02/24/05
Agenda Item 3

TO: Planning Commission
FROM: Arlyne J. Camire, AICP, Associate Planner
SUBJECT: Site Plan Review Application No. PL-2004-0589 – Alejo Pascual
(Applicant/Owner): Request to Construct a Triplex

The project is located at 25134 Muir Street in a High-Density Residential District

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the project is Categorical Exempt from CEQA pursuant to Section 15303(b), New Construction or Conversion of Small Structures; and
2. Approve the Site Plan Review application subject to the attached findings and conditions of approval.

BACKGROUND:

When the Planning Director determines that a project does not materially alter appearance and character of the property or area and that the project is compatible with City policies, standards and guidelines, the Planning Director may approve the project administratively. Although the Planning Director would have normally approved this project, it is being referred to the Planning Commission because of neighborhood concerns expressed during the initial project referral stage of development review.

The vacant, flat property contains 11,277 square feet. It is located in the *High-Density Residential (RH) Zoning District*, allowing a maximum of four units. The property is in a neighborhood of mixed housing types and densities. Properties in the *Single-Family Residential District*, and containing one-story, single-family homes, share the north property line and are across Muir Street to the west. The properties to the east and south are also in the *High-Density Residential District*. The parking lot of a 30-unit apartment building is located to the rear of this property. A property with a two-story single-family home and a one-story duplex is located to the south.

Project Description

The project consists of three, two-story attached units which includes two-car garages. Each unit has three bedrooms above the living area. The architecture is contemporary with stucco walls

with wood accents that include trellises over garage doors, balcony railings, and eave outriggers. The units are covered by a series of gable roofs with composition tile. Horizontal wood siding accents the living room bay windows and the walls above garage doors. Balconies and patios are located on the south side of the units.

The Jackson Triangle Neighborhood Plan calls for "*additional multi-family development to be limited to properties where it complements existing development or would provide a desirable transition between housing types or densities*". The proposed triplex would respect existing development by providing ample setbacks to preserve privacy. There would be a 27-foot separation between the triplex and the rear property line of the single-family properties to the north. The building would be 17 feet to 31 feet from the buildings on the property to the south.

The proposed triplex also would provide a desirable transition between the single-family and high-density housing types. The building would have the appearance of a two story, single-family home on the Muir Street frontage. In addition, although up to four dwellings units could be developed on the property, the triplex represents a medium-density type of development that transitions effectively between properties that are developed with single-family and high-density development.

The Jackson Triangle Neighborhood Plan calls for providing two on-site parking spaces per unit plus visitor parking. A two-car garage would be provided for each unit and there would be one on-site guest parking space, meeting this Neighborhood Plan strategy and Zoning Ordinance requirements. An additional curbside parking space would be available.

ENVIRONMENTAL REVIEW:

It has been determined that this project is Categorical Exempt from review under the California Environmental Quality Act, pursuant to Section 15303 (b), New Construction or Conversion of Small Structures.

PUBLIC NOTICE:

As the result of the applicant informing residents of the proposal, staff received a packet of letters in opposition signed by 54 neighborhood residents. They are concerned with development density, privacy, removal of existing property line fences, on-street parking availability, and establishment of property boundaries.

The project is consistent with the standards of the High-Density Residential District and staff believes that the project has been designed to respect the privacy and the architectural character of the surrounding properties. There would be a 27-foot separation between the triplex and the rear property line of the single-family properties to the north. The building would be 17 feet to 31 feet from the buildings on the property to the south, separated by a driveway and parking area; these buildings have minimal window openings facing the proposed project. The project's second-story balconies would not be directly opposite these windows in the opposing building to the south. Staff had an opportunity to speak on-site with the owner of this property to the south and no objections were raised to the project.

Neighbors are also concerned with the availability of on-street parking. The parking standards have been met with the provision of a two-car garage for each unit and one on-site visitor parking space. In addition, staff observed that on-street parking was available throughout the neighborhood on a mid-week evening.

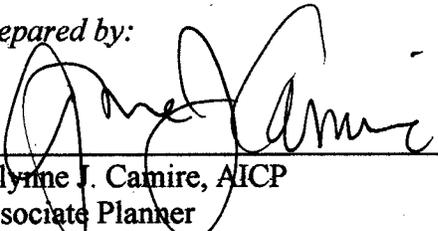
Neighbors are also concerned that an adequate property survey be completed. As a condition of approval, a survey of property boundaries is required to be submitted at the time of application of a building permit. A preliminary survey indicates that the fences along the northerly and southerly sides of the property are not located on the property lines. The new fences would be approximately 1 foot further into the single-family properties to the north and approximately 2 feet further into the multi-family property to the south. This would affect the driveway of the property to the south; a condition of approval requires the applicant to repair damage to this driveway and to provide a new curb. The two single-family properties to the north would be affected by a new fence location as illegal structures have been constructed between the residences and the fence with supports for the structures being part of the fence construction. These owners will be advised of their need to bring the properties into compliance with zoning regulations.

On October 22, 2004, a Notice of the proposed project was mailed 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 all interested parties, including Jackson Triangle Neighborhood Task Force members. Staff received one call in opposition from a resident requesting a lower density for the property. On February 14, 2005, a Notice of Public Hearing was mailed to the property owners, occupants and interested parties. Staff has not received any further responses. Copies of the staff report were sent to all parties that submitted letters in opposition to the project.

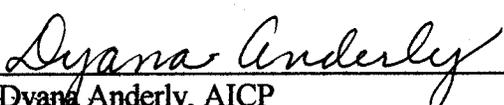
CONCLUSION:

Staff believes that the proposed project would be consistent with the neighborhood plan. It meets all minimum standards of the Zoning Ordinance and Design Guidelines. It is recommended that the Planning Commission approve the project.

Prepared by:

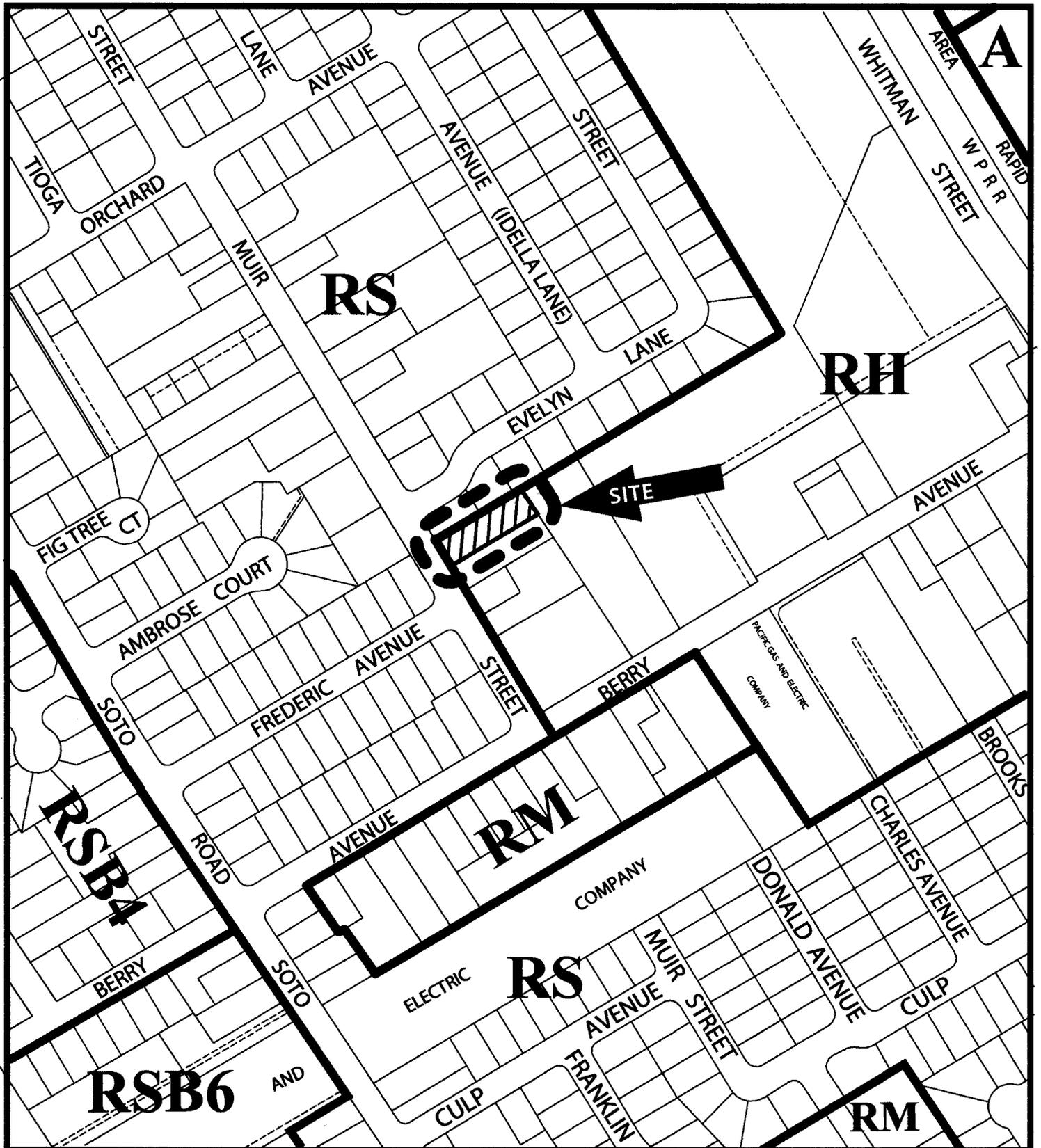

Arlyne J. Camire, AICP
Associate Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Zoning Map**
- B. Example of letter in opposition**
- C. Findings for Approval**
- D. Conditions for Approval
Plans**



Area & Zoning Map

PL-2004-0589 SPR

Address: 25134 Muir Street

Applicant: Alejo Pascual

Owner: Alejo Pascual

A-Agricultural-ABSA, AB10A, AB100A, AB160A

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential, RSB4, RSB6



**Neighborhood Residents of
Muir Street, Evelyn lane, Frederic Street & Berry Avenue
Hayward, CA 94544**

July 6, 2004

City of Hayward
Planning Department
777 B. Street
Hayward, CA. 94541-5007

Subject: Proposed development of vacant lot at 23134 Muir St. Hayward, CA.

Dear Sirs,

This letter is written in agreement on behalf of the Neighborhood Residents listed above in direct response to the proposed development of the vacant lot located at 25134 Muir St., Hayward, CA. 94544

Although we welcome future development the would enhance our neighborhood and bring aesthetic charm and value to our community at large, we have serious concerns about the planned development of this lot that we would like to address with your department.

Issues of Concern:

1. Zoning requirements – The proposed plans for this development is for three Town House units with approximately ~~2,100~~ total square feet per unit. Existing units in the surrounding area are zoned at 5000 square feet per unit. We are in agreement that two single story units zoned at 5000 square feet or more will keep in accordance with existing structures and homes in our area.
2. Off Site Parking – With the proposed development the issue of Off Site Parking is a major concern. Currently the parking congestion in this area is already at its peak. Three additional units will only exasperate the already pre existing condition of parked cars in the streets.
3. Current property owners fence lines & proposed placement. - With the proposed development, the owners of 25134 Muir St. are asking to move existing fences to accommodate their new structures. The existing fences have been standing in their current locations for decades. According to the Prescriptive Eastman Rights, the owners of properties that border this lot have the legal right to maintain their existing fences since most have been in existence for over 40 years.

4. Survey of Property – We know of no official survey that has been taken of this lot to determine actual property lines.

5. Neighborhood Privacy – With the proposed plan of the Town House units, the privacy of existing homes in the surrounding are will inevitably be effective.

We thank you in advance for reviewing our concerns and addressing each issue with the attention it requires for a satisfactory resolution for all home owners in our neighborhood.

Most Sincerely,

Concerned Residents

Elly May Gonzalez
Name

25094 Thomas ave Hayward 7/8/04
Address

SITE PLAN REVIEW APPLICATION NO. PL-2004-0589

25134 Muir Street

Alejo Pascual (Applicant/Owner)

To Construct A Triplex

FINDINGS FOR APPROVAL

- A. That approval of Site Plan Review Permit No. PL-2004-0589, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from CEQA under Section 15303 (b) (New Construction or Conversion of Small Structures).
- B. The triplex will be compatible with surrounding single-family homes and apartments in that the street facing unit has the character of a single-family home, which would blend in with the homes in the neighborhood.
- C. The triplex takes into consideration physical and environmental constraints of the site in that adequate fire department access would be provided and the density has been adjusted to meet design and development standards.
- D. The triplex will comply with the intent of City development policies, regulations in that the City of Hayward Design Guidelines, the policies of the Jackson Triangle Neighborhood Plan, and development standards of the High Density Residential Zoning District have been met.
- E. The triplex will operate in a manner determined to be acceptable and compatible with surrounding development in that the development complies with the Zoning Ordinance and the strategies of the Jackson Triangle Neighborhood Plan.

SITE PLAN REVIEW APPLICATION NO. PL-2004-0589

25134 Muir Street

Alejo Pascual (Applicant/Owner)

To Construct A Triplex

CONDITIONS OF APPROVAL

General

1. Site Plan Review Application No. PL-2004-0589 authorizing the construction of a triplex is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review approval, the site plan review approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review approval.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Prior to final inspection and occupancy of any unit, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
5. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

Planning

6. A survey of property boundaries shall be submitted at the time of application for a building permit. Should the southerly property line be adjusted such that it is in conflict with a new fence location, the applicant shall repair any damage, due to construction of the project, to the neighboring driveway to the south and shall construct a new curb along its northerly edge.
7. Lighting shall be installed along the driveway above the garage doors, at the front entries and at the entries on the south side of the building. The decorative fixture design shall be approved by the Planning Director prior to installation. Lighting installed shall not spill across property lines.
8. Concrete patios shall be provided and directly accessible from the living area.

9. A color and materials board shall be submitted to the Planning Director for review and approval. No changes to colors shall be made after construction unless previously approved by the Planning Director.
10. No mechanical equipment shall be placed on the roof. Roof apparatus, such as vents, shall be painted to match the roof color. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by Building Code.
11. Balconies shall be redesigned so as to conceal personal belongings from view and provide greater privacy.
12. All applicable requirements of the City's Security Ordinance (Ord. No. 90-26 C.S.) shall be met.
13. A hose bib shall be provided on each ground floor patio.
14. Each unit shall have 90 cubic feet of storage located outside of the living area, with design and location subject to Planning Director approval.
15. Each garage shall be equipped with an automatic garage door opener and maintained in working order. Garages shall be maintained to be available for the parking of two vehicles at all times.

Landscaping

16. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*. Provide water calculations for the site to be submitted with the revised landscape plans.
17. City policy on street trees is one for every 25 – 40 feet of frontage. Two street trees are required. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees screening trees along the sides and rear of the property shall be evergreen trees at 20 feet on center. Ten trees are required along each the northern and southern property lines. Three trees shall be planted at the rear property line. Suggested trees include Arbutus 'Marina', Melaleuca quinquenervia, Magnolia 'Little Gem', or Tristaniopsis laurina. Trees shall be planted according to the City Standard Detail SD-122. All trees are not permitted to be topped or severely pruned.
18. Landscape all areas that are not building or required circulation areas including the sides and back of the building.
19. Provide additional shrubs for screening and background as needed throughout the site. Plant species shall be approved by the Landscape Architect.

20. Live groundcover is required in all shrub beds. Use low growing plants such as Vinca minor, Fragaria, Gazania, CranesBill or Verbena at 8 to 12 inches on-center. Bark is to be used as mulch until the groundcover becomes established. The groundcover must provide 100% coverage within two years.
21. A wood fence is required to be erected along all interior property lines. Provide a detail for the proposed fencing. All fencing shall conform to Zoning Ordinance standards and not exceed 6 feet in height behind the front yard set back. Provide vines and shrubs on the fences at 10 feet on center.
22. Landscape area shall be limited to a maximum 50 percent Fescue turf.
23. Park in-lieu fees shall be charged for three multi-family units and shall be paid prior to the issuance of a building permit.
24. All tree wells, and landscape areas shall be a minimum of 5-foot wide measured inside the curbs.
25. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch high class "B" Portland Cement concrete curb.
26. All above ground utilities and mechanical equipment shall be screened from the street or drives with shrubs.
27. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscape plan.
28. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. All trees shown on the approved Site Plan including street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.

Fire Department

29. The driveway within the front yard shall be widened to 20 feet to allow fire apparatus to enter and exit the property as shown on "Exhibit A" and to the satisfaction of the Fire Marshall.
30. The driveway shall be dedicated as a fire lane and install red paint on the curbing entire length of the driveway and install fire lane signage to meet Hayward Fire Department Standards.

31. Since the building is greater than 5,000 square feet, an automatic fire sprinkler system is required. There are a couple of ways to provide this requirement based on the construction of the building. Submit appropriate fire permits for the installation of the fire sprinkler system(s):
 - a. If the building has 1-hour area separation walls (floor to roof) between each unit, a domestic type fire sprinkler system shall be installed off of each water service line to each unit (per NFPA 13-D (Modified) Standards).
 - b. If the building is constructed without one-hour separations, a commercial fire sprinkler system shall be installed (per NFPA 13 Standards).
32. Each unit shall have an interior audible alarm device installed and interconnected to the fire sprinkler system.
33. The exterior of the building shall have a local alarm bell installed as part of the fire sprinkler system.
34. If the automatic fire sprinkler system has more than 100 sprinkler heads, a central station monitoring shall be required.
35. Residential smoke detectors shall be installed per the California Building Code (CBC).
36. Roofing materials shall meet Class C minimum. Class A is being reflected on the plans and is acceptable.
37. Building addressing shall meet Building and Fire Department requirements. A minimum 4-inch self illuminated address shall be installed on each unit.

Public Works, Engineering

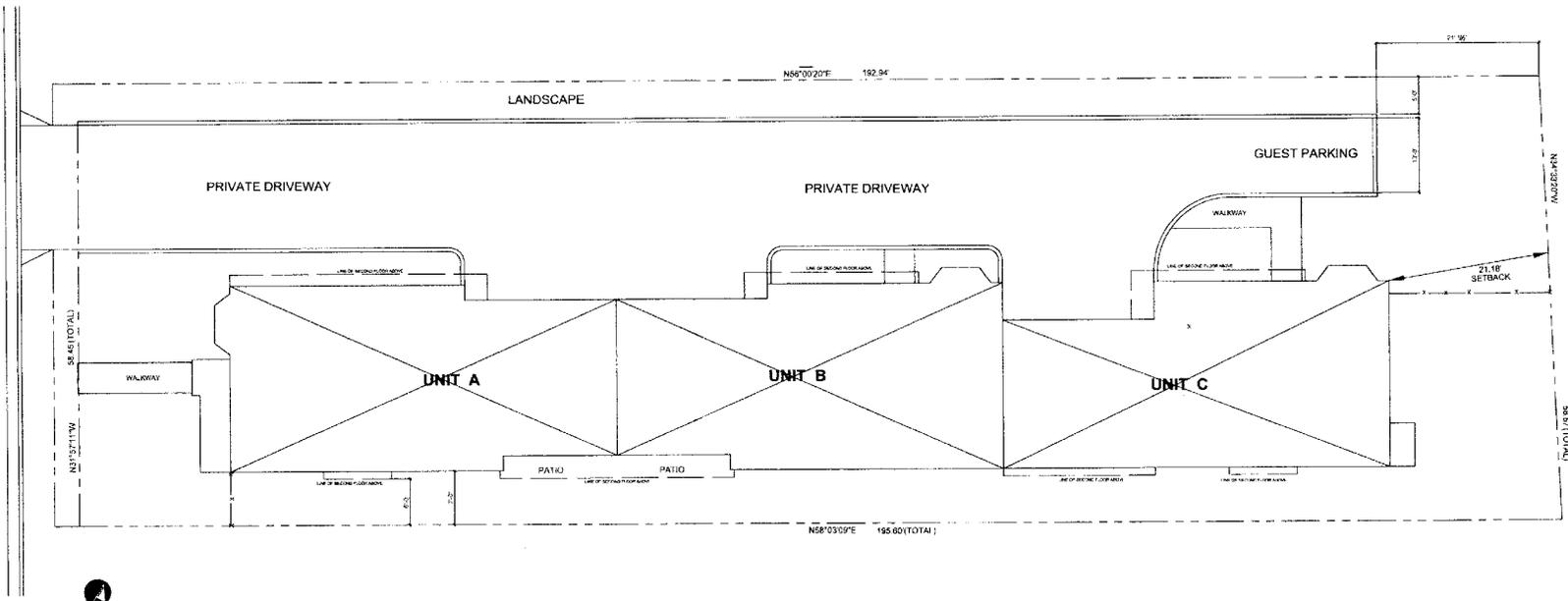
38. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. It is highly recommended that a grassy swale be installed to intercept the surface runoff.
39. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
40. Install curb and gutter along Muir Street on the north side of the proposed private driveway to the satisfaction of the City Engineer.
41. To the satisfaction of the City Engineer:
 - a. The water services along the private driveway shall be located 2.5 feet from the face of curb and water service and sewer lateral shall have 6 feet minimum separation to the satisfaction of the City Engineer.

- b. The sewer laterals along the private driveway servicing Units "B" and "C" shall be spaced 4 feet apart with cleanouts every 100 feet.
- c. The sewer lateral for Unit "A" shall be on Muir Street and not on the private driveway.

Public Works, Utilities

- 42. The existing 5/8 inch water meter is inadequate for proposed development. If existing water meters cannot be reused, City staff shall abandon the meters at the expense of the applicant.
- 43. Each unit is required to have an individual water meter and an individual sanitary sewer lateral.
- 44. Water meters and services are required to be located a minimum of 2 feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters are required to be located a minimum of six feet from sanitary sewer lateral as per State Health Code. Show proposed locations on revised plans. Driveway cuts shall be staked before service laterals are installed.
- 45. Show following notations on revised plans:
 - a. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
 - b. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
 - c. Water and Sewer service available subject to standard conditions and fees in effect at time of application.
- 46. A concrete pad at the rear garage door shall be provided for the storage of trash and recyclable receptacles with the placement and design subject to the approval of the Planning Director and the Solid Waste Manager.
- 47. The Construction and Demolition Debris Recycling Statement shall be completed and submitted to the Solid Waste and Recycling Statement and a Summary Report. Please contact Vera Dahle-Lacaze, Solid Waste Manager at (510) 583-4725.

MUIR STREET



1 SITE PLAN

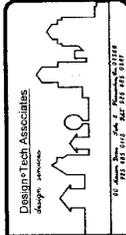
1/8" = 1'-0"

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JAN 13 2005
PLANNING DIVISION

SPR PL-2004-0589



REVISIONS	DATE

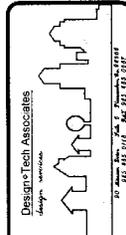


OWNER
3 UNIT APARTMENTS
25134 MUIR STREET
HAYWARD, CA.

PROJECT LOCATION
SITE PLAN

DRAWN
CHECKED
DATE
SCALE AS SHOWN
DWG. NO. 04-064 WESTWOOD
SHEET
1

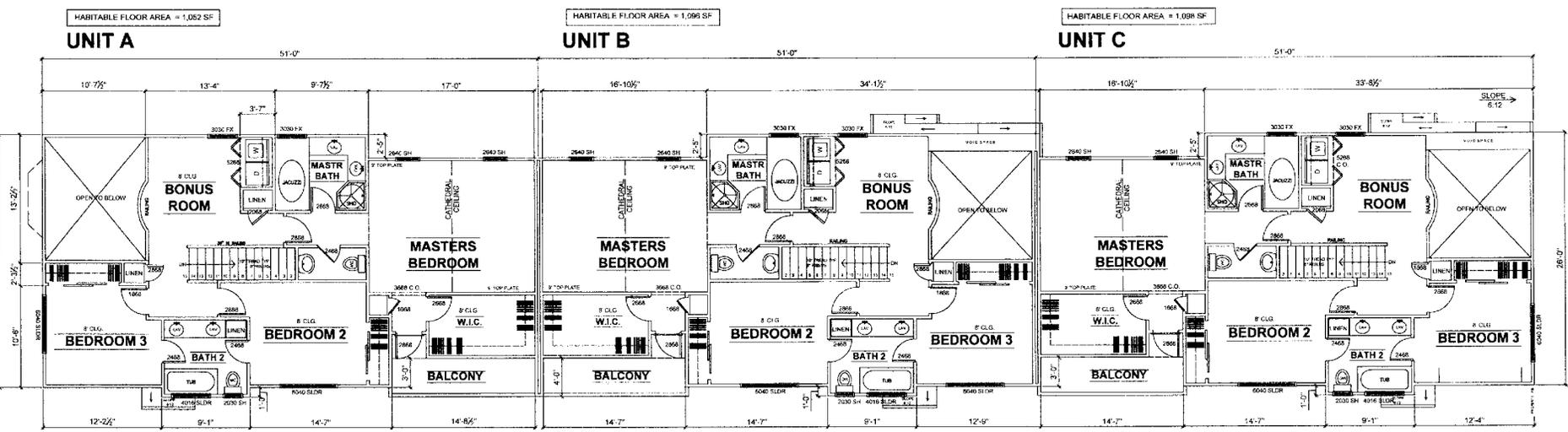
REVISIONS	DATE



OWNER
3 UNIT APARTMENTS
 25134 MUIR STREET
 HAYWARD, CA.

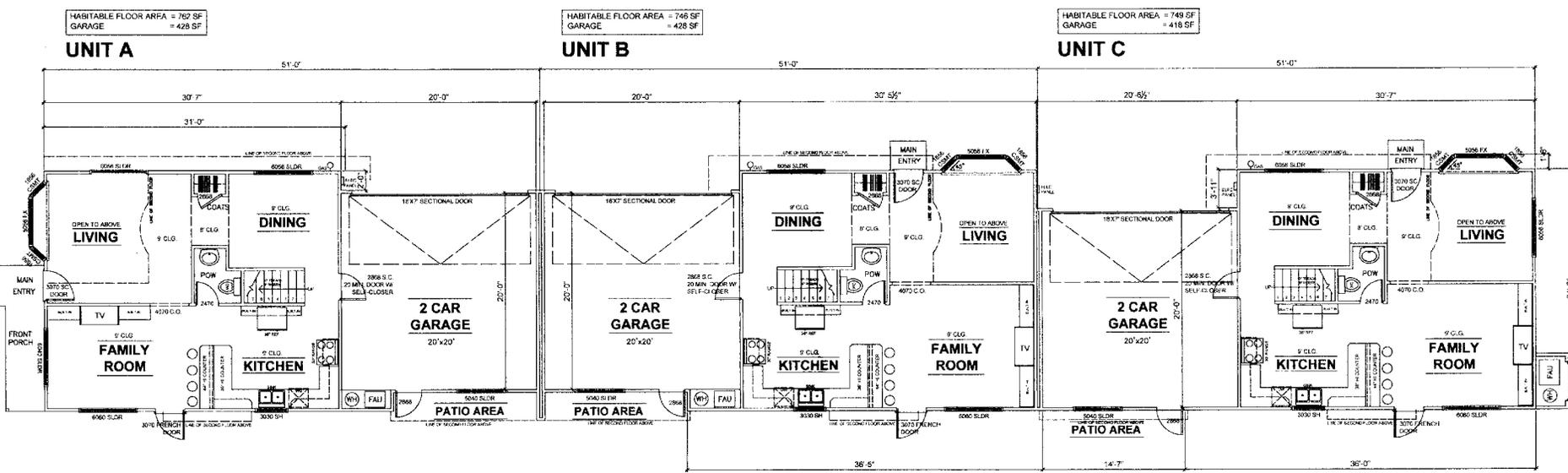
DRAWING TITLE
FLOOR PLANS

DRAWN
CHECKED
DATE 1/18/05
SCALE AS SHOWN
JOB NO. 044 WESTWOOD
SHEET 2



SECOND FLOOR PLAN

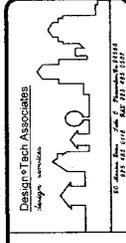
3/16" = 1'-0"



FIRST FLOOR PLAN

3/16" = 1'-0"

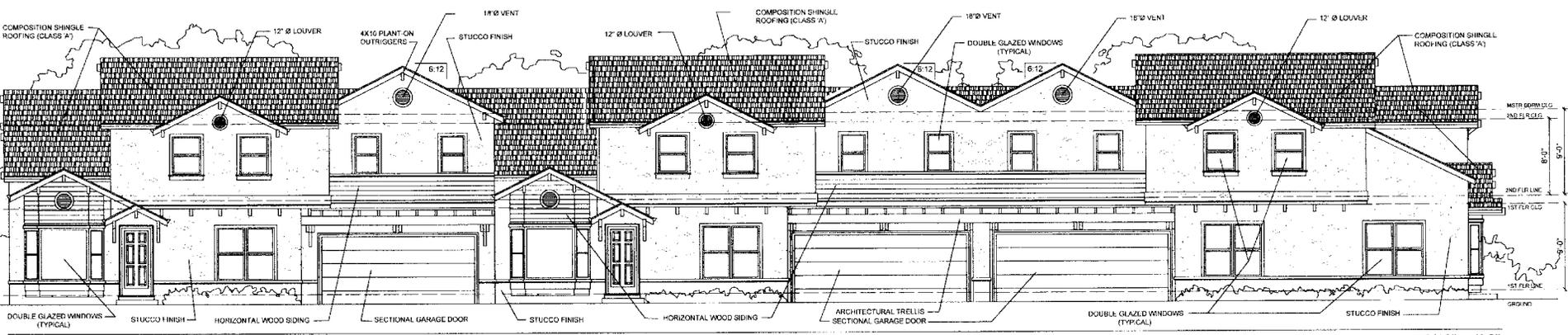
REVISIONS	DATE



OWNER
3 UNIT APARTMENTS
 25134 MUIR STREET
 HAYWARD, CA.

PROJECT LOCATION
ELEVATIONS PLANS

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 1/19/05
 DATE
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 AS SHOWN
 JOB NO.
 04-054 WESTWOOD
 SHEET



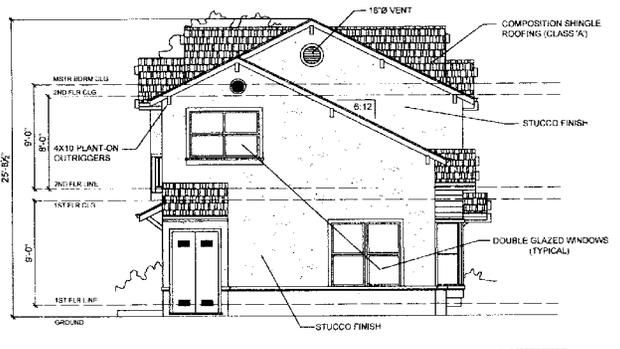
LEFT SIDE ELEVATION

3/16" = 1'-0"



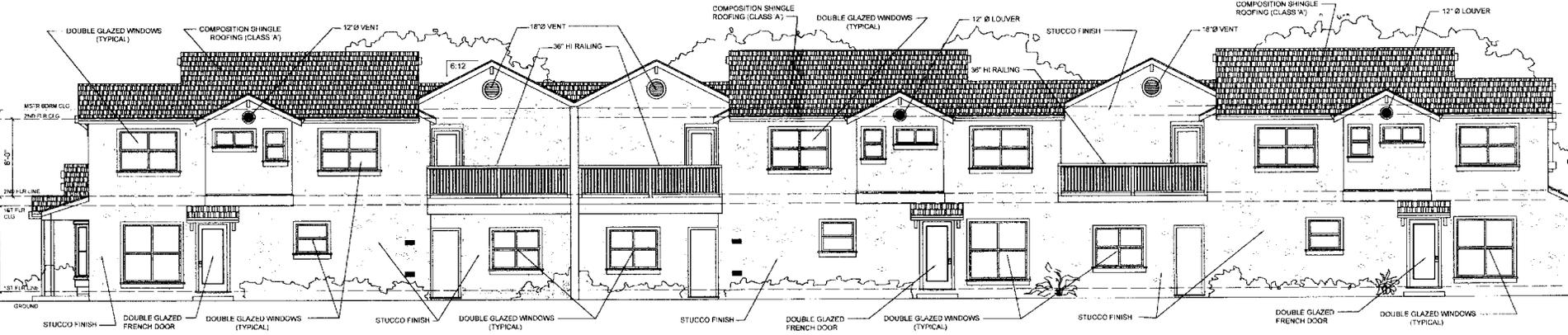
FRONT ELEVATION

3/16" = 1'-0"



REAR ELEVATION

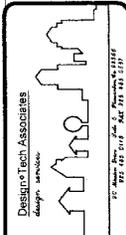
3/16" = 1'-0"



RIGHT SIDE ELEVATION

3/16" = 1'-0"

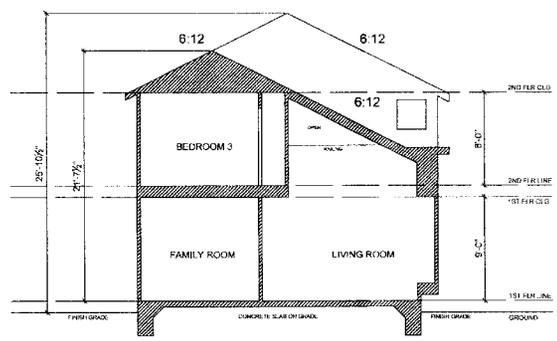
REVISIONS	DATE



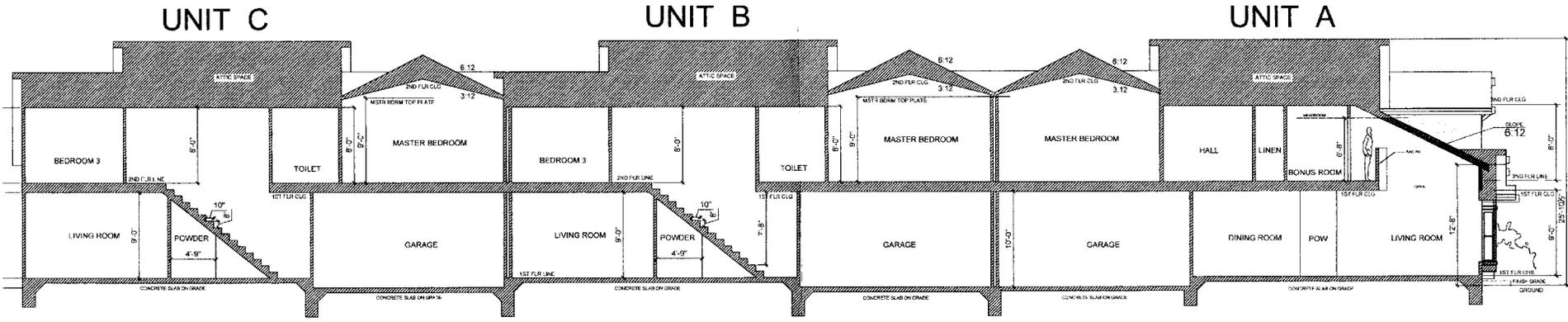
OWNER
3 UNIT APARTMENTS
 25134 MIJR STREET
 HAYWARD, CA.

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LONGITUDINAL/ SECTIONS PLAN

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 0404 WESTWOOD
 SHEET



SECTION THRU LIVING ROOM 3/16" = 1'-0"



LONGITUDINAL SECTION 3/16" = 1'-0"

