



CITY OF
HAYWARD
HEART OF THE BAY

2

DATE: March 27, 2008

TO: Planning Commission

FROM: Tim R. Koonze, Associate Planner

SUBJECT: General Plan Amendment No. PL-2008-0013 and Zone Change No. PL-2007-0634 City of Hayward (Applicant) - Consideration of Amending General Plan Land Use Designation from Limited Open Space to Limited Medium Density and Rezoning of Six Properties from Agricultural (AB10A) to Single Family Residential (RSB4) District

The Properties are Located at 29200, 29338, 29370, 29402 and 29606 Bodega Street

RECOMMENDATION:

That the Planning Commission recommend the following to the City Council:

1. Adopt the Initial Study and Negative Declaration, pursuant to the California Environmental Quality Act (CEQA) and;
2. Approve the General Plan Amendment and Zone Change applications, subject to the attached findings.

SUMMARY:

Staff recommends that the properties be rezoned from an Agricultural District, with a 10 acre minimum lot size, to a Single-Family Residential District with a minimum lot size of 4,000 square feet. The proposed rezoning would allow densities that would be compatible with surrounding and recently approved residential developments, and would be consistent with densities proposed by the subject property owners at the time the adjacent Garin Vista project was approved. The proposal would also provide the possibility of infill housing in the form of smaller lot ownership housing commensurate with the Housing Policies and Strategies of the City's Housing Element of the General Plan.

BACKGROUND:

The subject properties were annexed as part of the Mission-Garin Annexation, which became effective May 31, 2006. The Mission-Garin Annexation was initiated at the request of developers requesting to construct two subdivisions located to the north and south of the Bodega Street properties. To the north is the La Vista Development, approved in July of 2005, a subdivision

creating 179 single-family homes, and to the south is the Garin Vista Development, approved in February of 2006, a subdivision creating 126 single-family homes.

As reflected in the attached City Council Meeting minutes, during the processing of the Mission-Garin Annexation, the Bodega Street property owners requested that the City consider modifying the General Plan and Zoning designations to allow a higher density on their properties since surrounding properties were being rezoned to higher densities. Although the subject properties remained in agricultural zoning, reflective of the County designation, the City Council authorized the Bodega Street rezoning as an adopted budget objective for the 2007-08 fiscal year.

DISCUSSION:

Project Description and Setting

The subject properties are located at the northernmost end of Bodega Street. They lie along the foothills with the front portions of the properties having slopes ranging from 4 to 12 percent with steeper upward slopes along the rear of the properties. Five properties are developed with single-family homes with support structures such as garages and sheds. There is a barn structure on the sixth parcel.

All existing dwellings are served by wells and septic tank systems. A development agreement, approved as part of the Garin Vista project, required the Garin Vista developers to install water, sanitary sewer, and utility extensions to the subject parcels and improve Bodega Street at no cost to the Bodega Street property owners.

The approved La Vista and the Garin Vista Developments are zoned Planned Development Districts and would consist of single-family homes on properties that range from 4,425 to 4,680 square feet. The area adjacent and to the west of the subject properties contains the main traces of the Hayward Fault and would accommodate a new road that will eventually connect the extension of Alquire Parkway and Tennyson Road. Clarendon Hills, a high density development with a mixture of apartments and condominiums, is located adjacent to the vacant property to the west. To the east is land with significant slopes that is comprised of open space established as part of the La Vista and Garin Vista tracts. Both areas would remain in an Agricultural zoning district. There are detached single-family home developments nearby to the northwest and southwest.

The properties are located within a "State of California Earthquake Fault Zone." Any future development would require an earthquake fault investigation and preparation of a geological report, with future development required to conform to the recommendations of that report.

The amendments to the General Plan and Zoning Ordinance approved as part of the Mission-Garin Annexation, superseded the limited medium density, which allowed 8-12 residential units an acre identified in the Mission-Garin Neighborhood Plan, to Limited Open Space which has a five acre minimum lot size. The subject lots average approximately one acre in size.

Project Analysis

In making its recommendation, the Planning Commission would be doing so with the understanding that changing the zoning from Agricultural (AB10A) to Single Family Residential (RSB4) District does not assure that the subject properties would be developed. If changed to RSB4, it allows the opportunity for the properties to be developed with minimum 4,000 square foot parcels. Any development of the properties would require separate applications and would be evaluated at that time.

The Planning Commission must make the following findings to recommend approval of the General Plan Amendment and the Zone Change. Staff's responses to the findings follow.

Findings

Findings for Approval – General Plan Amendment:

A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.

That the proposed General Plan Amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Limited Medium-Density Residential land use designation will allow the potential for additional needed ownership housing units. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.

B. The proposed change is in conformance with all applicable, officially adopted policies and plans.

That the proposed General Plan amendment is in conformance with the City's General Plan policies and the policies and strategies within the Mission-Garin Neighborhood Plan, and will result in development that will be compatible with surrounding land uses and zoning.

The Housing Policies and Strategies of the City's Housing Element of the General Plan include:

- *“Encourage the provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the City.”*
- *“Promote development of infill housing units within existing residential neighborhoods in a variety of housing types.”*

The proposal meets the above strategies and policies in that the RSB4 zoning will provide the opportunity to increase the supply of sought after affordable housing units in Hayward. The proposal will also help to increase the variety of housing types within the

Mission-Garin neighborhood, which is developed with primarily single-family dwellings on standard or large parcels.

The Policies and Strategies for Implementation in the Mission-Garin Neighborhood Plan include:

- *“Encourage a mixture of housing types in the study area.”*
- *“A mixture of dwelling units for home ownership and renter occupancy should be encouraged in the study area.”*

The proposal meets the above policies and strategies in that a mixture of housing types can be created in that the RSB4 zoning will allow small lot single-family ownership housing to be constructed creating a more affordable single-family home.

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.

The development agreement with the developers of Garin Vista requires that said developers extend water, sanitary sewer, and storm drain facilities to serve the Bodega Street properties. The public facilities would adequately serve future development of these parcels. The agreement also requires Garin Vista developers to improve Bodega Street. As part of the La Vista development, Bodega Street will be re-aligned to connect to Alquire Parkway and eliminate the access to Woodland Avenue.

Based on the proposed General Plan amendment and zone change, as many as 60 single-family dwellings could be constructed on the subject parcels which would generate approximately 550 new vehicle trips per day. The latest Transportation Services Division traffic count for Alquire Parkway was conducted in July of 2005 and reported a count of 4,200 vehicles per day. Alquire Parkway is capable of accommodating 10,000 trips per day. The City's Transportation Planner has determined that the increase in vehicular trips would not be a significant impact on the public street system serving the subject properties. The City's Transportation Services Division has determined that the improved Bodega Street and surrounding street system can adequately serve future development.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The proposed General Plan amendment will result in potential for development that would be compatible with surrounding residential land uses, density, and zoning, and provide additional opportunities for ownership housing. No additional new development of single-family homes could occur without such amendment.

Findings for Approval – Zone Change:

A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.

Rezoning the property to RSB4 allows for the creation of smaller lots than the standard 5,000 square foot single-family lot. The smaller lots have the potential to provide more affordable ownership housing to young families with children.

B. The proposed change is in conformance with the purposes of this ordinance and all applicable, officially adopted policies and plans.

With the change from agricultural zoning to residential the proposal meets the purpose of the Single-Family Residential District which encourages creating an environment suitable for family life where children are members. Bodega Street would have a minimal amount of traffic since it serves only the subject properties and two undeveloped properties, which have been retained as open space as part of the La Vista and Garin Vista tracts. In addition the properties are in close proximity to Garin Regional Park and a new 30-acre public park being constructed as part of the La Vista Development. These elements create a desirable setting for families with children.

The proposed zone change meets the land use purposes expressed in the Zoning Ordinance:

- *“Allow for the infill and reuse areas at their prevailing scale and character.”*
- *“Accommodate expansion of development into vacant and underutilized lands within environmental and infrastructure constraints.”*

The proposal meets the above land use purposes by creating a zoning that would allow the potential of creating infill development of the underutilized subject parcels. The densities proposed are consistent with existing densities in the area. The existing and proposed utilities and roads can adequately serve the development of these underutilized parcels.

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.

With the improvements to be constructed pursuant to the development agreement with the Garin Vista developers and the realignment of Bodega Street to direct the access to Alquire Parkway, the public facilities would adequately serve future development of these parcels.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The existing General Plan and zoning designations which require a minimum lot size of 10 acres are inconsistent with the surrounding land uses which consist of single-family

developments which have similar densities, standard single-family tract homes and a high density development consisting of apartments and condominiums. The proposal allows infill to occur at a density that is consistent with the surrounding area and provides single-family housing opportunities to families with children looking to get into a single-family home.

ENVIRONMENTAL REVIEW:

The subject properties were part of the Mission Garin Annexation and, as such, were also a part of the Environmental Impact Report (EIR) prepared for the annexation. One of the development scenarios analyzed in the EIR assumed a medium density General Plan Designation for the subject properties. The EIR determined that development of the subject sites would not have a significant environmental impact.

An initial study and negative declaration have been prepared that analyzes possible environmental impacts, based upon the densities proposed for the properties. It was further determined that there would be no significant environmental impacts.

The existing and proposed roads and utilities that are to be installed by the Garin Vista Developers either as a requirement of the tract improvements or pursuant to the development agreement with the Bodega Street property owners can adequately serve the future development of these parcels.

The proposed changes in the General Plan and Zoning designations would not provide authorization for new construction, public or private road improvements, grading, or any other changes to the current condition of the properties. Any development of the properties would require separate applications and specific environmental impacts would be evaluated at that time.

PUBLIC NOTICE:

On February 21, 2008, a Notice of 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.

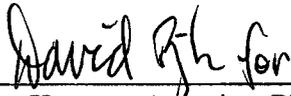
Four responses were received from neighbors, one in favor of the proposal and three against. Those not supporting the zone change cited existing congested traffic, wear and tear on the nearby roadway system, which is already in need of repair, the need for more open space, and the need for a community center.

Bodega Street will be improved by the Garin Vista developers pursuant to the development agreement and Bodega Street will be realigned as part of the La Vista development, to have access to Alquire Parkway instead of Woodland Avenue. As noted above, the Alquire Parkway is easily capable of handling any future traffic resulting in development of the Bodega Street sites. Every new home would have to pay a supplemental building construction and improvement tax which is directed to the general fund of which a portion would be used to maintain City Streets.

To the east of the subject parcels is land with significant slopes that is comprised of open space established as part of the La Vista and Garin Vista tracts. Both areas would remain undeveloped.

As identified in the South Hayward BART Plan, a community center is envisioned at the southwest corner of Valle Vista Avenue and Mission Boulevard. This center would be in close proximity with the purpose of serving the residents in this area.

Prepared by:



Tim Koonze, Associate Planner

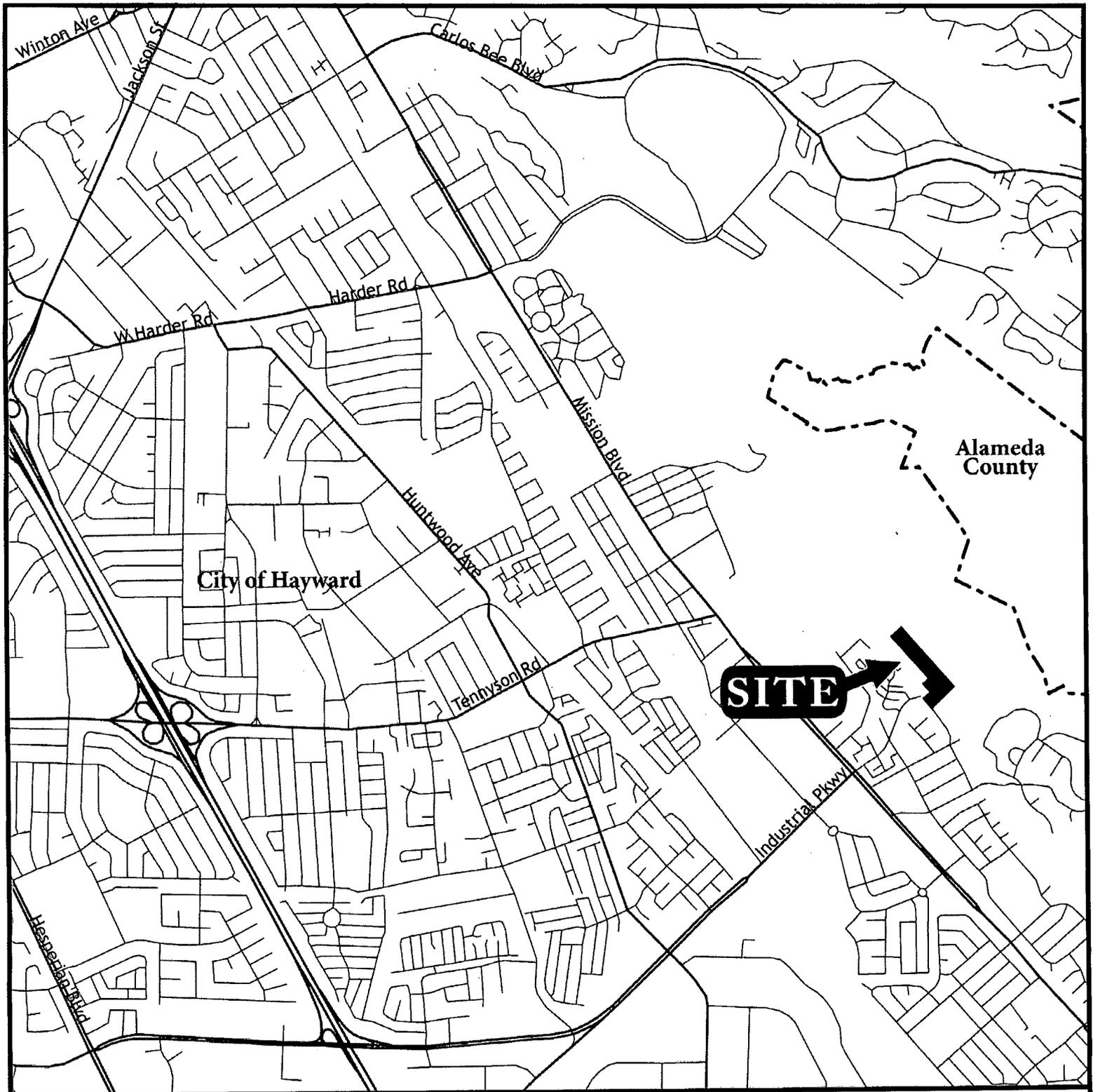
Recommended by:



David Rizk, Planning Manager, AICP

Attachments:

- A. Vicinity Map
- B. Area/Zoning Map
- C. General Plan Land Use Designation Map
- D. Findings for Approval – General Plan Amendment and Zone Change Applications
- E. February 21, 2006 City Council Staff Report for Garin Vista Development

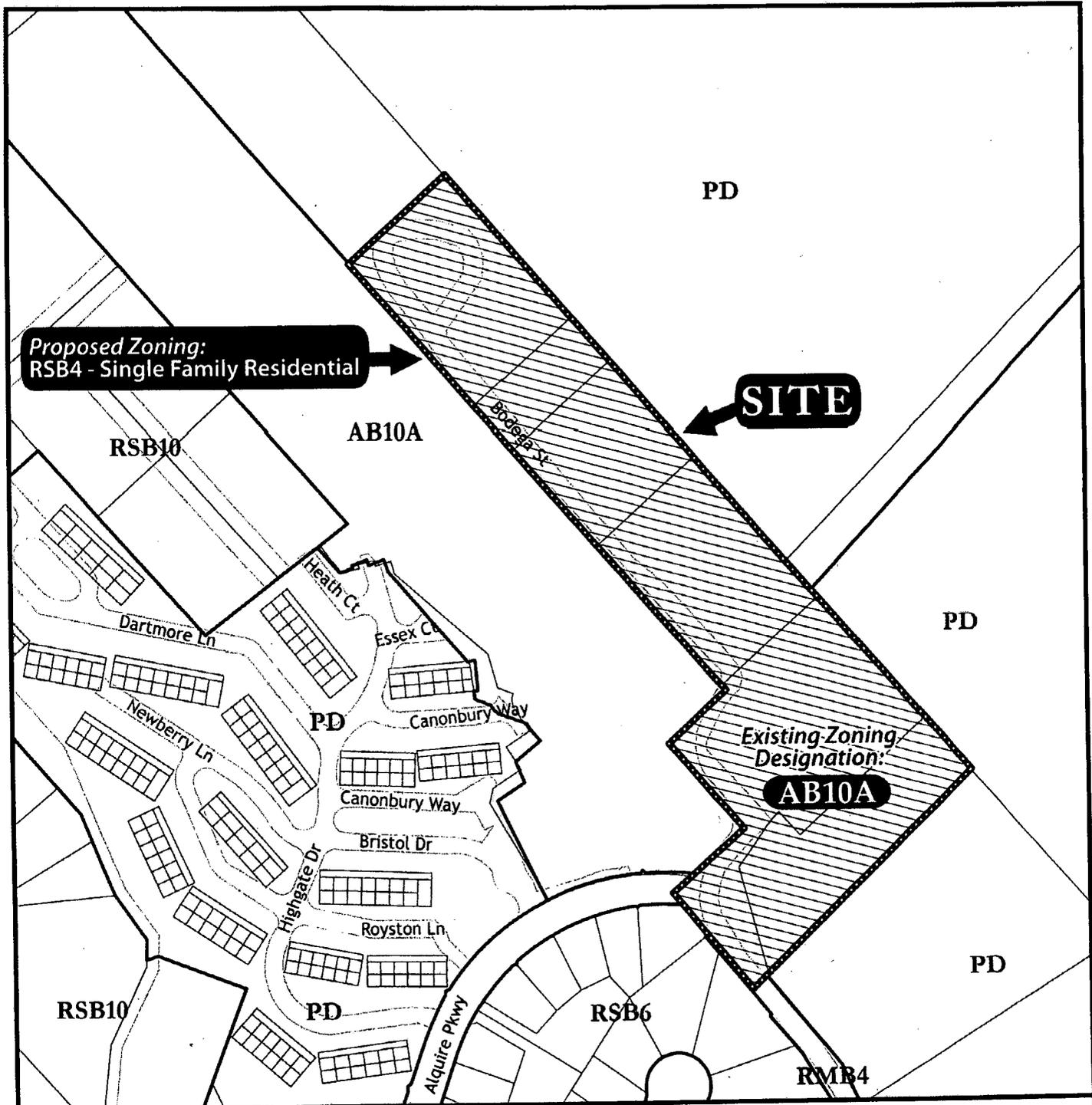


Vicinity Map

PL-2008-0013 GPA & PL-2007-063

29202 - 29606 Bodega Street





Area & Zoning Map

PL-2008-0013 GPA

PL-2007-0634

Address: 29202 - 29606 Bodega St

Applicant: City of Hayward

Owner: Multiple

Zoning Classifications

RESIDENTIAL

RMB4 Medium Density Residential, min lot size 4000 sqft

RSB6 Single Family Residential, min lot size 6000 sqft

RSB10 Single Family Residential, min lot size 10000 sqft

OPEN SPACE

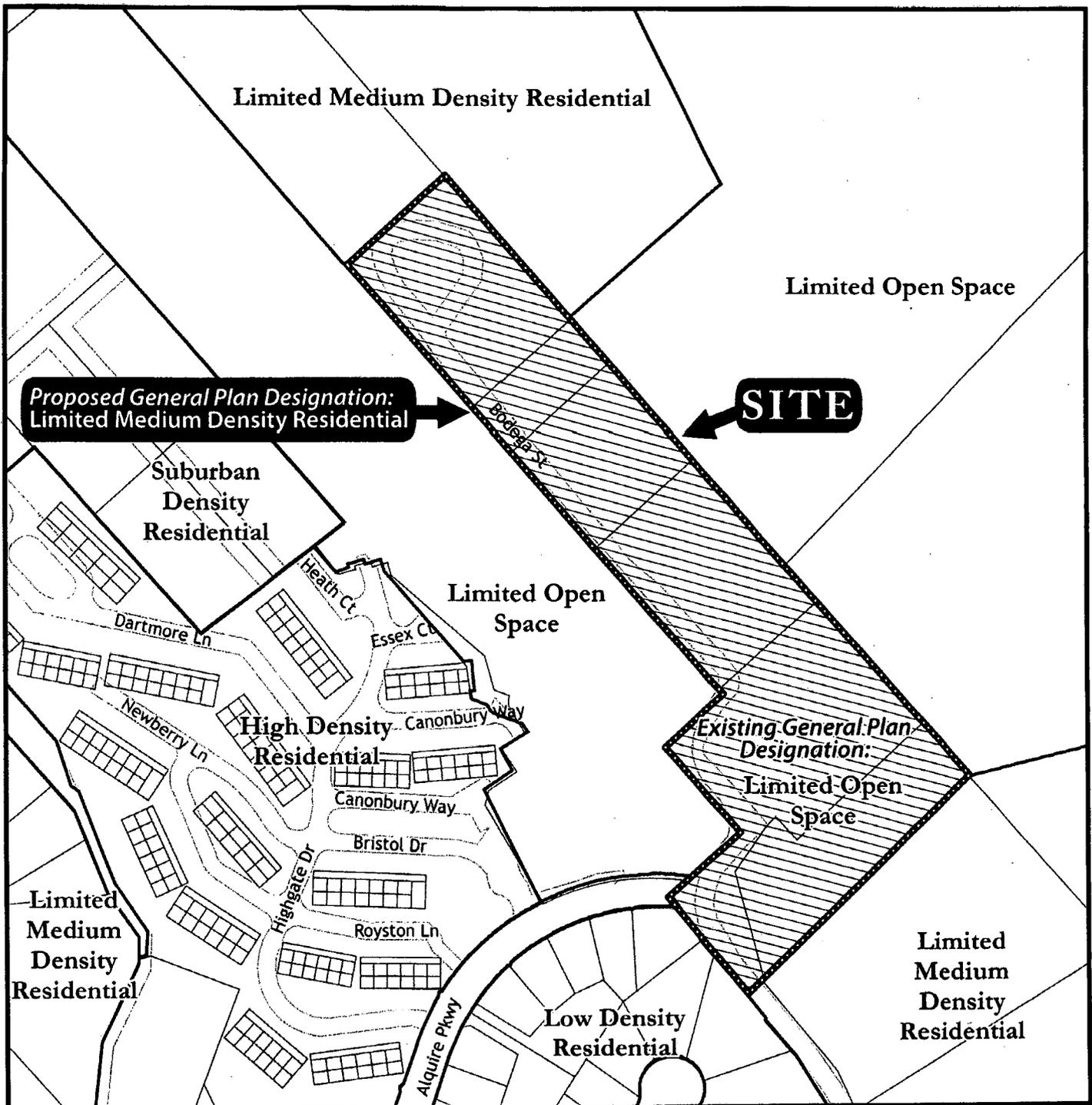
A Agricultural

OTHER

PD Planned Development



FEET 200 400



General Plan Map

PL-2008-0013 GPA

PL-2007-0634

Address: 29200 - 29606 Bodega St

Applicant: City of Hayward

Owner: Multiple



FEET 200 400

FINDINGS FOR APPROVAL

General Plan Amendment PL-2008-0013 and Zone Change PL-2007-0634 (City of Hayward – Applicant): Consideration of Amending General Plan Land Use Designation from Limited Open Space to Limited Medium Density and Rezoning of Six Properties from Agricultural (AB10A) to Single Family Residential (RSB4) District.

The properties are located at 29200, 29338, 29370, 29402 and 29606 Bodega Street.

Findings for Approval – California Environmental Quality Act:

- A. The project will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, and, therefore, a Negative Declaration has been prepared.

Findings for Approval – General Plan Amendment:

- B. That the proposed General Plan Amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Limited Medium-Density Residential land use designation will allow the potential for additional needed ownership housing units. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.
- C. That the proposed General Plan Amendment is in conformance with the City's General Plan policies and the policies and strategies within the Mission-Garin Neighborhood Plan, and will result in development that will be compatible with surrounding land uses and zoning. The Amendments to the General Plan and Zoning Ordinance approved as part of the Mission-Garin Annexation, superseded the limited medium density, which allowed 8-12 residential units an acre identified in the Mission-Garin Neighborhood Plan, to Limited Open Space which has a five acre minimum lot size. The subject lots average approximately one acre in size. However, at the request of the Bodega Street property owners, City Council agreed to examine the subject properties to establish a higher density for said properties and authorized the Bodega Street rezoning as an adopted budget objective for the 2007-08 fiscal year.

The Housing Policies and Strategies of the City's Housing Element of the General Plan include:

- *“Encourage the provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the city.”*
- *“Promote development of infill housing units within existing residential neighborhoods in a variety of housing types.”*

The proposal meets the above strategies and policies in that the RSB4 zoning will provide the opportunity to increase the supply of sought after affordable housing units in Hayward. The proposal will also help to increase the variety of housing types within the Mission-Garin neighborhood, which is developed with primarily single-family dwellings on standard or large parcels.

- D. That the streets and public facilities would adequately serve future development of these parcels. Based on the proposed zoning, as many as 60 units to be constructed on the subject parcels which would generate approximately 550 new vehicle trips per day. The latest Transportation Services Division traffic count for Alquire Parkway was conducted in July of 2005 and reported a count of 4,200 vehicles per day. Alquire Parkway is capable of accommodating 10,000 trips per day.
- E. That the proposed General Plan Amendment will result in development that will be compatible with surrounding residential land uses and zoning, in that the amendment would allow a density that reflects the neighborhood.

Findings for Approval – Zone Change:

- F. Rezoning the property to RSB4 allows for the creation of smaller lots which has the potential to provide ownership housing that would be more affordable for young families with children. The proposal would provide needed housing that will promote the public health, safety, convenience, and general welfare of the residents of Hayward. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.
- G. With the change from agricultural zoning to residential the proposal meets the purpose of the Single-Family Residential District which encourages creating an environment suitable for family life where children are members. With the change in the General Plan land use designation, as discussed above, the proposed zoning will be in conformance with the land use element of the General Plan in that the Limited Medium Density (LMD) land use designation encourages residential development at a slightly higher density than the standard Single Family Residential (RS) zoning district allows.

Bodega Street would have a minimal amount of traffic since it serves only the subject properties and two undeveloped properties zoned Agricultural, which have been retained as open space as part of the La Vista and Garin Vista tracts. In addition the properties are in close proximity to Garin Regional Park and a new 30-acre public park being constructed as part of the La Vista Development. These elements create a desirable setting for families with children.

- H. The development agreement with the Garin Vista developers require that water, sanitary sewer, and storm drain utilities be extended to serve the subject properties. The public facilities would adequately serve future development of these parcels. The agreement also requires Garin Vista developers to improve Bodega Street, a private street, with new paving, curbs, and gutters. As part of the La Vista development, Bodega Street will be realigned to connect to Alquire Parkway and eliminate the access to Woodland Avenue. The City's Transportation Services Division has determined that the private street and the surrounding public street system would be adequate to serve future development.

Based on the proposed zoning, as many as 60 units could be constructed on the subject parcels which would generate approximately 550 new vehicle trips per day. The latest Transportation Services Division traffic count for Alquire Parkway was conducted in July of 2005 and reported a count of 4,200 vehicles per day. Alquire Parkway is capable of accommodating 10,000 trips per day.

- I. The RSB4 single-family residential zoning allowing parcels to be 4,000 square feet would be compatible with the surrounding land uses. The recently approved La Vista and Garin Vista developments have similar densities. The proposed density is also compatible with the existing single-family developments to the west and the apartment complex to the southwest.

With the recent approval of the La Vista and Garin Vista developments the subject properties comprise one of the last opportunities for infill development in that neighborhood. Although there are other large pieces of undeveloped land, these pieces are comprised of steep slopes and are open space established as part of the La Vista and Garin Vista tracts.



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 02/21/06
AGENDA ITEM 2
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change Application No. PL-2005-0322 PD – Request to Amend the Rezoning District Designation from Medium Density Residential (RMB4) and Agriculture (AB10A) to Planned Development (PD), to Allow for Construction of 126 Single-Family Homes, and to Approve the Associated Preliminary Development Plan

Vesting Tentative Map Tract Application No. PL-2005-0323 TTM 7354 - Request To Subdivide an Approximately 50-Acre Site to Create 126 Single-Family Lots and Related Streets, a Private Park and Open Space

Development Agreement Application No. PL-2005-0358 DA – Request for Approval of a Development Agreement in Association With the Proposed Development

Garin Vista, LLC, Jack Smith, President (Applicant), Howard M. Settle, Maxine F. Theobald, Andrew E. Garin, Richard S. & Annette P. Warren, John M. and Lia F. McKenzie (Owners)

The Project Site is Located Northeast of the Intersection of Woodland Avenue and Bodega Street, West of Garin Regional Park

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and the Vesting Tentative Tract Map and introduce the attached ordinances approving the Zone Change/Preliminary Development Plan and the Development Agreement, subject to the attached findings and conditions of approval.

DISCUSSION:

The 50.4-acre site, which is the site of a former quarry that ceased operation several decades ago, is proposed for development of 126 single-family residential lots and related streets, along with a new 1.9-acre private park and associated open space. A new public road and related extension of Alquire Parkway is proposed, which will serve the development. Two emergency access points are proposed along the southern boundary of the tract: one along the upper portion of the development and the other at the lower portion. Such points would provide access to/from Clearbrook Circle and Garin Avenue in the event of an emergency.

The site is in unincorporated Alameda County and is proposed to be annexed into Hayward. In July of 2003, the City Council approved the Mission-Garin Annexation Study and related amendments to the General Plan and Zoning Ordinance. Also, the City Council established a new special design district in the area, the Mission-Garin Area Special Design District (SD-5), which included design guidelines and maximum thresholds for development, including 169 units for the Garin Vista site. In anticipation of annexation into the City of Hayward, the properties in the study area were rezoned and an annexation application was filed with the Local Agency Formation Commission of Alameda County (LAFCO) in the fall of 2003. LAFCO will hold a hearing regarding the annexation on March 9, 2006.

If the proposed project is approved, a condition of approval would require that the site be annexed into Hayward prior to recordation of the final map and subsequent construction. Staff is also recommending that the approvals would only become effective upon the effective date of the annexation.

If the project is approved and annexation occurs, it is envisioned to be constructed at the general time the La Vista development to the north is built. The La Vista development was approved in July of last year, subject to its annexation into Hayward. Excess fill material of approximately 750,000 cubic yards is proposed to be exported from this property to the La Vista tract. Both projects are closely linked and, as discussed later in this report, have common interests in terms of development.

The proposed development is consistent with the General Plan designation of Limited Medium Density Residential (8.7 to 12.0 units per net acre). Since approximately 25% (31) of the lots proposed would not meet the minimum typical standard of 4,000 square feet for single-family lots in the RMB4 zoning district and because most of the lots would have only a 15-foot rear and front yard setback, where 20 feet is typically required, the applicant is proposing a Planned Development (PD) District.

The proposal would entail construction of 126 single-family homes on lots ranging in size from approximately 3,000 square feet to 7,745 square feet, with the lots to be located between the Hayward earthquake fault to the west and Garin Regional Park to the east. Staff is recommending that a condition of approval require that a separate lot be created between "B" Street and the Dareing property, to be similar in use to Parcel C, since such narrow area would be adjacent to development and would not be of the same character as the rest of Parcel D, which extends to the Garin Regional Park boundary.

The developer of this project will need to extend all utility services to the site. A new water reservoir and mains to supply sufficient water flows and pressure for domestic services and fire sprinkler systems are to be installed as part of the La Vista Quarry project. If the La Vista Quarry project is not constructed then the necessary water improvements would be constructed as part of this subdivision.

Sanitary sewer and water mains and stub-outs will be provided for the properties along Bodega Street. The owners of Bodega Street have indicated a desire to have their properties rezoned to medium density residential (see Exhibit D).

Both public and private storm drain systems will be constructed to facilitate the drainage from the hillside and proposed improvements. A detention pond will be constructed to meet Clean Water Program requirements and to regulate the flow of water off the site to not overwhelm existing downstream storm drainage facilities.