



## CITY OF HAYWARD AGENDA REPORT

Meeting Date: 10/10/02

Agenda Item: 1

**TO:** Planning Commission

**FROM:** Arlyne J. Camire, AICP, Associate Planner

**SUBJECT:** Appeal of Planning Director's Approval of Site Plan Review Application No. PL-01-130-22 – Alvaro Lopez (Applicant/Owner) – Request to Install a Manufactured Single-Family Home and Build a Two-Car Garage

The Property Is Located off 5<sup>th</sup> Street between "D" and "E" Streets in the RSB6 (Single-Family Residential) District

### RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303, Class 3 (a), New Construction or Conversion of Small Structures, and
2. Uphold the Planning Director's approval of the site plan review and deny the appeal, subject to the attached findings and conditions of approval.

### BACKGROUND:

The 33,245-square-foot vacant parcel is to be developed with a single-family manufactured home and an attached two-car garage. The parcel has 98 feet of frontage on an access easement off the easterly side of 5<sup>th</sup> Street; the property is not visible from the street. Laurentian Lane, forming the property's southerly boundary, is a vacated street that is landscaped with groundcover and redwood trees; no street sign is posted to indicate its location. The northern boundary of the property is Sulfur Creek. The site is zoned Single-Family Residential (RSB6). The parcel is surrounded by properties that are zoned Single-Family Residential (RS), Medium-Density Residential (RM) and High-Density Residential (RH).

All manufactured homes are subject to administrative site plan review to assure that the design of the home meets the Hayward Design Guidelines and, in this case, the Hillside Design Guidelines for Wildland/Urban Interface. In this instance, the project would comply with the design guidelines. The home would not have large flat wall surfaces. The front walls of the home would be broken into smaller planes by the addition of a front porch and a bay window. As

conditioned, the house would be compatible with surrounding homes with respect to bulk, articulation, design, color and materials.

The Planning Director administratively and conditionally approved the site plan review application on August 8, 2002. Staff received an appeal of the Director's decision via email on August 22, 2002, from Art Strong who resides at 22855 5<sup>th</sup> Street, across the street from the project site.

The appellant is of the opinion that the manufactured home is not compatible with the character of the neighborhood and that it does not preserve the single-family residential appearance or the historic quality of the neighborhood. In addition, Mr. Strong is of the opinion that the project does not comply with policies of the Upper "B" Street Neighborhood Plan.

The parcel can be seen from the duplex units to the south of the parcel, across the access easement and the single-family homes that are in front of the parcel on 5<sup>th</sup> Street. The proposed house will be similar in design to the duplexes and single-family homes in the surrounding neighborhood, which have exteriors of stucco and other siding materials. A condition of approval requires a combination stucco and siding, which will extend to the ground. In addition, a condition of approval requires the addition of a porch and a bay window to the front of the house that will break up a flat façade. Therefore, the design is compatible with the design of homes on surrounding properties. Furthermore, staff recognizes there are several historic structures in the Upper "B" Street neighborhood. However, the immediate neighborhood does not contain any significant historic structures.

The Upper "B" Street Neighborhood Plan (Land Use Policies and Strategies # 2) requires the preservation of the single-family character of the neighborhood. Although the property is surrounded by a variety of zoning districts from low to high density, the site will contain a single-family residence and will thereby be in compliance with this neighborhood plan policy.

The appellant states that the home is located on a flood plain along Sulfur Creek and the proposed home would divert more water towards the homes directly below. A condition of approval requires a drainage and grading plan to be submitted. This will assure that the water will be diverted to the creek, not into the neighborhood.

The appellant also points out that there is insufficient area to accommodate a fire truck turning radius. This project has been reviewed by the Fire Department and it concluded that because the parcel is not more than 150 feet from the street, a fire truck turn around is not required. Furthermore, the house and garage are required to have automatic fire sprinkler systems.

The City is not authorized to deny construction of a State-certified manufactured home if the Hayward Design Guidelines are met. State law permits only those conditions of approval that would be required of a conventional single-family residence. Therefore, the Planning Commission is limited in its review to architectural design and development standards and is not authorized to deny the request on the basis that the house is manufactured off-site rather than conventionally constructed.

## ENVIRONMENTAL REVIEW

The proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303, Class 3 (a), New Construction or Conversion of Small Structures.

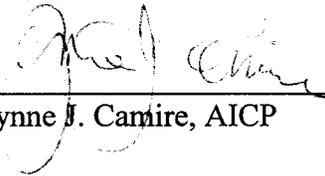
## PUBLIC NOTICE

On October 2, 2002, a Notice of Public Hearing for the Planning Commission meeting was mailed to all property owners and residents within 300 feet of the project site.

## CONCLUSION

The home will be compatible in design with surrounding single-family homes and duplex units. In addition, the placement of the single-family house takes into consideration the physical and environmental constraints in that the house and garage are setback an adequate distance from the top of the creek bank. Furthermore, the single-family house will comply with the intent of City development policies and regulations in that the single-family character of the neighborhood will be preserved.

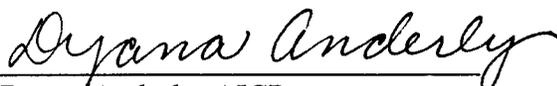
Prepared by:



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Arlynne J. Camire, AICP

Recommended by:

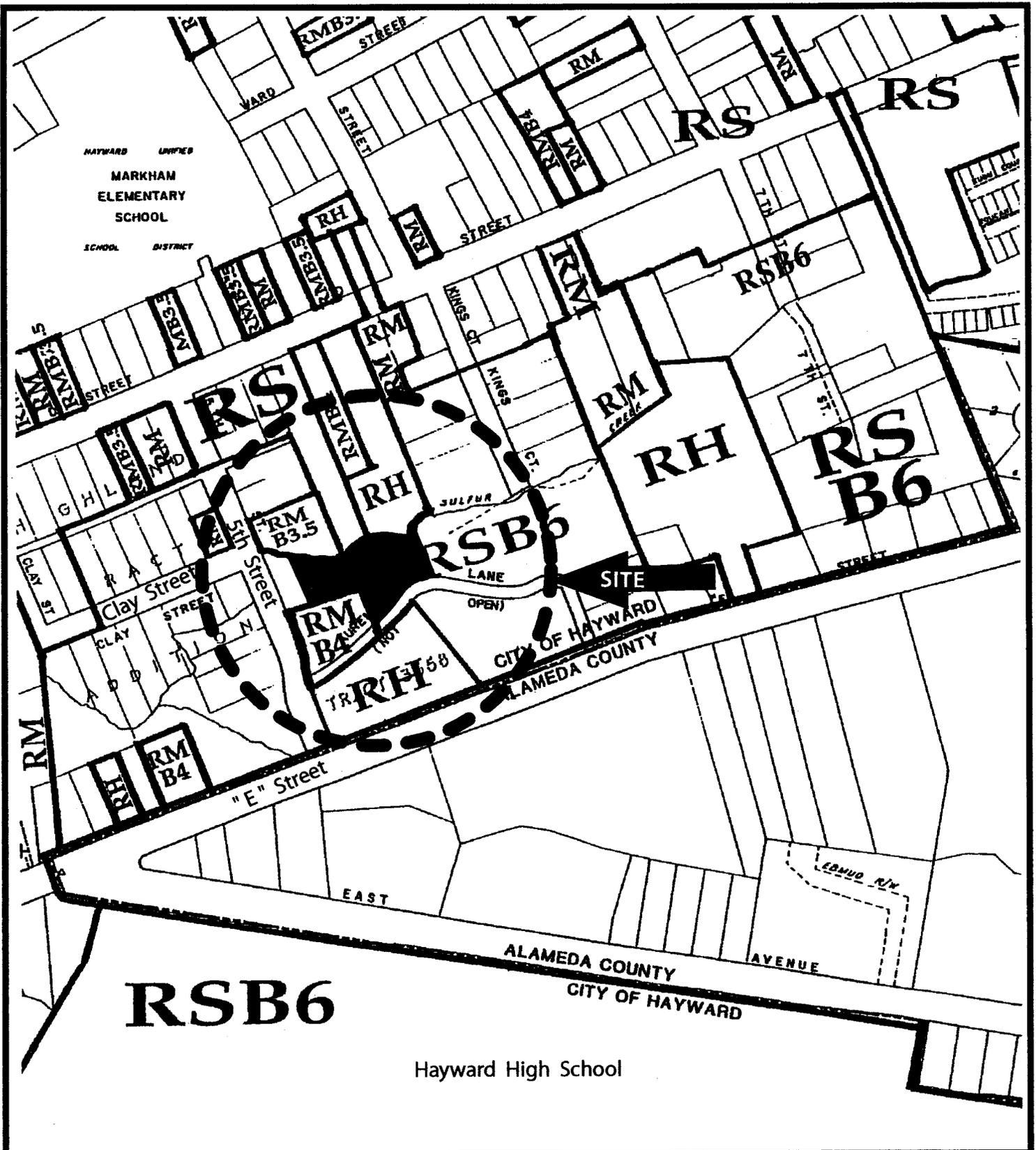


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Dyana Anderly, AICP  
Planning Manager

Attachments:

- A. Area Map
- B. Letter of Appeal dated August 22, 2002
- C. Findings for Approval
- D. Conditions of Approval  
Plans



**Area & Zoning Map**

SPR 01-130-22

Address: Laurentian Lane

Applicant: Alvaro Lopez

Owner: Alvaro Lopez

CN-Neighborhood Commercial

CO-Commercial Office

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential,RSB4,RSB6

## Arlynn Camire

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**From:** Art Strong  
**Sent:** Thursday, August 22, 2002 3:07 PM  
**To:** Arlynn Camire  
**Subject:** Appeal Laurentian Lane/Fifth Street

SPR-01-130-22  
Laurentian Lane/Fifth Street

Appeal:

The appeal is for a pre-manufactured single family home next to 22850 Fifth Street at Laurentian Lane.

The specific land use and standards of a pre-manufactured home do not reflect the character of the neighborhood. It does not preserve the single family appearance or the historic quality of the neighborhood. Furthermore this type of structure does not comply with the Upper "B" Street plan. There are no other pre-manufactured homes in the area. This will set a precedence and influence others.

This type of construction will also decrease the value of the current existing homes in the neighborhood. It is import that the design of any new home built in the area reflect the other surrounding homes.

This home is also located in a flood plan along Sulphur Creek. In 1998 Sulphur Creek flooded and rose over the road and flooded houses on both sides of the Fifth Street directly in front of this location. No improvements have been made to mitigate this problem and this home would only divert more water towards the homes directly below.

The Fire Department is also requiring this home to meet the City's Hillside Design Guidelines for Wildland/Urban Interface for building construction. This home would also be located on a unimproved street without a turnaround for Fire Department vehicles. This home is to built in a Wildland/Interface area, this will put the surrounding homes in greater fire danger.

The residents in the area are very concerned about the precedence this will set and the effect it will have on the over all appearance and safety of our neighborhood.

Art Strong  
22855 Fifth Street,  
Hayward, CA 94541

**SITE PLAN REVIEW APPLICATION NO. 01-130-22**

**Alvaro Lopez (Applicant/Owner)**

**APN: 427-51-79-1**

**FINDINGS FOR APPROVAL**

- A. The approval of Site Plan Review Application No.01-130-22, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project reflects the City's independent judgment, and the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15303, Class 3 (a), New Construction or Conversion of Small Structures.
- B. The proposed project, as conditioned, will be compatible with surrounding structures and uses in that the architecture of the buildings will complement the neighborhood.
- C. The placement of the single-family house takes consideration of physical and environmental constraints in that the house and garage are setback an adequate distance from the top of the creek bank. In addition, mitigation regarding foundation design, lot grading, and drainage improvements are designed to minimize hazards associated with ground shaking associated with an earthquake.
- D. The single-family house complies with the intent of City development policies and regulations including, but not limited to open space, parking, landscaping, setbacks and height limits in that the placement of the single-family house will preserve the single-family character of the neighborhood and the Single-Family Residential zoning district.
- E. As conditioned, the project will be operated in a manner determined to be acceptable and compatible with surrounding development.

**SITE PLAN REVIEW APPLICATION NO. 01-130-22**

**Alvaro Lopez (Applicant/Owner)**

**APN: 427-51-79-1**

**CONDITIONS OF APPROVAL**

**General**

1. Administrative Site Plan Review Application No.01-130-20, request to allow a manufactured single-family home in the Single-Family Residential District, is approved by the Planning Commission on October 17, 2002, subject to these conditions of approval and the plans, labeled Exhibit "A" except as required to be modified by these conditions of approval. This approval is void one year after the effective date of the approval unless prior to that time a building permit has been accepted by the City of Hayward Building Official to construct the project. Any modifications to the approved plans or conditions shall require prior review and approval from the Planning Director. A request for a one-year extension of time, approval of which is not guaranteed, must be submitted to the Planning Director 15 days prior to the expiration date.
2. 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.
3. If any human remains are found during grading or construction, all work will be stopped and police called to investigate.
4. The property owner/applicant shall maintain in good repair all building exteriors, landscaping, awnings, walls, fences, lighting, trash enclosures, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
5. Prior to final inspection, the City of Hayward Supplemental Building Construction & Improvement Tax, the City of Hayward Building Construction & Improvement Tax, Park Dedication In-Lieu Fee, and the Hayward Unified School District Fees shall be paid.
6. The house is required to be attached to a permanent foundation pursuant to Health and Safety Code Section 18551, and shall have all utility connections conform to all requirements of the City's Building, Plumbing, Electrical, and Mechanical Codes.
7. Violation of these conditions is cause for revocation of the site plan review approval after public hearing before the duly authorized review body.

## **Planning**

8. The house is required to be compatible with the colors and materials of surrounding homes. Prior to issuance of a building permit, a color and materials board shall be submitted for review and approval by the Planning Director.
9. Roof-mounted mechanical equipment shall be prohibited unless fully screened from view by the roof structure. If there are to be any roof-mounted HVAC units, no polluted waters from this unit shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
10. The addition of architectural features, such as a front porch and a bay window are required. The porch shall extend out 5 feet. The finished floor height shall be no more than 30 inches above the finished grade of the building pad. Revised elevations are to be submitted for the review and approval of the Planning Director prior to building permit application.
11. A 16-foot setback shall be maintained between the top of bank of the creek and the rear of the house and garage. Structures or room additions are not permitted within this required setback.
12. Protect the existing 40-inch in diameter Redwood tree during construction.
13. Landscaping shall be maintained in a healthy, weed-free condition at all times with replacement plants provided where necessary. In the event that the required street tree is severely topped or pruned it shall be immediately replaced as determined by the City Landscape Architect.
14. The site shall be graded in a manner that meets the recommendations of the Geotechnical Engineering Study, Prepared by Earth Systems Consultants dated March 2002.

## **Fire Department**

15. The development is required to meet fire protection and building construction requirements per the City of Hayward's Hillside Design and Urban/Wildland Interface Guidelines.
16. All structures shall be required to have automatic fire sprinkler systems installed per NFPA 13-D (Mod) Standards, to include fire sprinkler protection within garages and attic spaces.
17. Exterior construction materials shall be fire resistive, which includes Class "A" roofing.
18. Fire permits will be required for the review of all construction. Additional review required at time of plan submittal, which may trigger additional requirements.

## **Utilities**

19. Outside utility meters, when not enclosed in a cabinet, shall be screened allowing sufficient distance for reader access.

20. Show location of existing and proposed water meters on plans to be submitted for building permit.

### **Engineering**

21. Prior to issuance of a building permit, the City Engineer shall approve a grading and drainage plan which is in compliance with the recommendations of the geotechnical engineering study prepared by Earth Systems Consultants dated March 2002.
24. The existing cut slope shall be stabilized with a retaining wall of which the design is to be reviewed by Earth Systems Consultants and approved by City of Hayward Engineering, Public Works.
25. The new property owner shall execute a joint maintenance agreement with the adjoining property owners for the maintenance of the existing common driveway.
26. The proposed water meter shall be installed along 5th Street.
27. Prior to connection of utilities any damaged frontage improvements to the access easement shall be repaired or replaced to the satisfaction of the City Engineer.
28. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
29. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.
30. The project plan shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulation outlined in the ABAG Erosion and Sediment Control Handbook.
31. All construction and demolition debris waste shall be recycled. Applicant is required to submit a Construction and Demolition Debris Recycling Statement and Summary Report.
32. Grading and construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. daily except Sundays and holidays. On Sundays and holidays construction activities shall be limited to the hours of 10:00 a.m. and 6:00 p.m.
33. Construction equipment shall be properly muffled, and unnecessary idling shall be prohibited.
34. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units.