



CITY OF HAYWARD AGENDA REPORT

Meeting Date 06/27/02
Agenda Item 2

TO: Planning Commission

FROM: Tim R. Koonze, Assistant Planner

SUBJECT: **Tentative Parcel Map 7850 – Joe Chen (Applicant/Owner)** - Request to Subdivide a 9,212-Square-Foot Parcel into Two Single-Family Parcels; and Request for Variance for Reduced Lot Width - The Property is Located at 25033 Pleasant Way in an RSB4 (Single-Family Residential) District

RECOMMENDATION:

That the Planning Commission:

1. Find that the project is Categorically Exempt from CEQA; and
2. Approve Tentative Parcel Map 7850 and the variance, based on the attached findings and conditions of approval.

DISCUSSION:

Tentative Parcel Map 7850 is a request to subdivide a 9,212-square-foot parcel into two parcels of 4,650 and 4,652 square feet, exceeding the minimum lot size requirements of the RSB4 District, which requires 4,000-square-foot lots or larger. Approval of the parcel map requires granting a variance to allow reduced lot widths of 46.35± and 47.50± feet where 50 feet is required. The City's Subdivision Ordinance requires a Planning Commission determination whenever a parcel map requires a variance.

The site is a relatively flat, rectangular parcel with an existing house and detached garage that are to be removed prior to the recordation of the parcel map. The parcel is located at 25033 Pleasant Way, on the west side, between Orchard and Berry Avenues. The site is surrounded by single-family homes including a recently approved subdivision, Tract 6754, Orchard Homes, located on the easterly side of Pleasant Way that contains lots between 4,000 and 5,000 square feet.

There are currently several large, 16 to 30 inch diameter redwood trees on the site. Based on the preliminary site plan, new houses can be constructed on the parcels to avoid the trees.

Currently the Zoning Ordinance would allow two single-family homes on subject property; however, they could not be sold separately. Subdividing this property into two lots would allow two new homes to be sold separately.

Conformance to City Regulations

The site is designated as Limited Medium Density Residential (8.7 – 12.0 dwelling units per acre) on the *General Plan Map*, and the *Zoning Ordinance* designates this site as being within a Single-Family Residential (RS(B4)) District. The project is consistent with the RS designation in that the two lots would have single family homes and create a density of 9.4 units per acre. The B4 designation requires a minimum lot size of 4,000 square feet, and the proposed lots are 4,650 and 4,652 square feet respectively.

The B4 designation also requires a minimum average lot width of 50 feet. A variance from this requirement is necessary for these two lots to allow widths of 46.35 and 47.50 feet. Allowing the reduced widths would be consistent with the surrounding parcels since several have widths less than 50 feet. The proposed houses would meet all sideyard setback requirements.

The project is in conformance with the *Jackson Triangle Neighborhood Plan Residential Land Use Policies*, which also suggest creating 4,000 square-foot lots in the subject area. This size lot allows a variety of single-family homes and encourages home ownership opportunities while providing an incentive to upgrade properties. The proposed parcels are consistent in size with the surrounding neighborhood.

The Hayward Design Guidelines recommends that garages occupy less than 50 percent of the structure's front elevation in order to create living spaces that overlook the street. This is a difficult guideline to follow when a lot is less than 50 feet wide. It is also difficult to place garages at the rear of narrow lots because of the driveway width and setback requirements. In this neighborhood the development pattern comprises of attached garages facing the street. To fulfill the spirit of the Guidelines, the owner proposes a floor plan that sets the garage 4 feet behind the front façade of the house, and utilizes an expanded porch design to reduce the visual impact of the garage.

The Planning Commission, on May 4, 2000, approved Parcel Map 7520 with a variance for lot widths of 47.5 feet at 24979 Pleasant Way. This proposal is consistent with this previous approval.

Streets and Utilities

Pleasant Way is a 50-foot-wide partially improved roadway. Frontage improvements, curbs, gutters and sidewalks, will be required to be installed across the property frontage when the new homes are constructed. Water, sewer, and storm drain mains within the abutting streets have adequate capacity to serve the project. Each home will have individual water meters and sanitary sewer laterals.

ENVIRONMENTAL REVIEW:

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15332, *In-Fill Development Projects*.

PUBLIC HEARING NOTICE:

A notice was mailed to all property owners within 300 feet of the subject property and to all interested parties regarding a preliminary meeting held on October 11, 2001. No citizens attended. These same citizens were also sent notices of the Planning Commission meeting and a meeting notice was published in the local newspaper on June 15, 2002.

CONCLUSION:

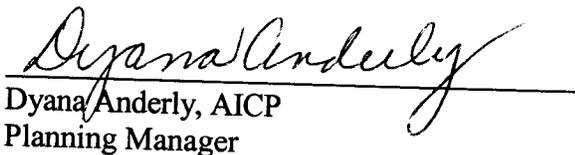
The project is consistent with the *General Plan Map* designation, the Jackson Triangle Neighborhood Plan, and the Zoning Ordinance requirements of the Single-Family Residential Density (RSB4) District with the exception of the lot widths. The proposed variance to lot width is minor in nature and with innovative architectural design the new homes can comply with the intent of the Hayward City Design Guidelines. The proposed parcels are consistent in size with the other parcels in the neighborhood. Approval of the subdivision will allow construction of two single-family homes that can be individually sold, which fulfills the City's goals to create ownership housing opportunities.

Prepared by:



For Tim R. Koonze
Assistant Planner

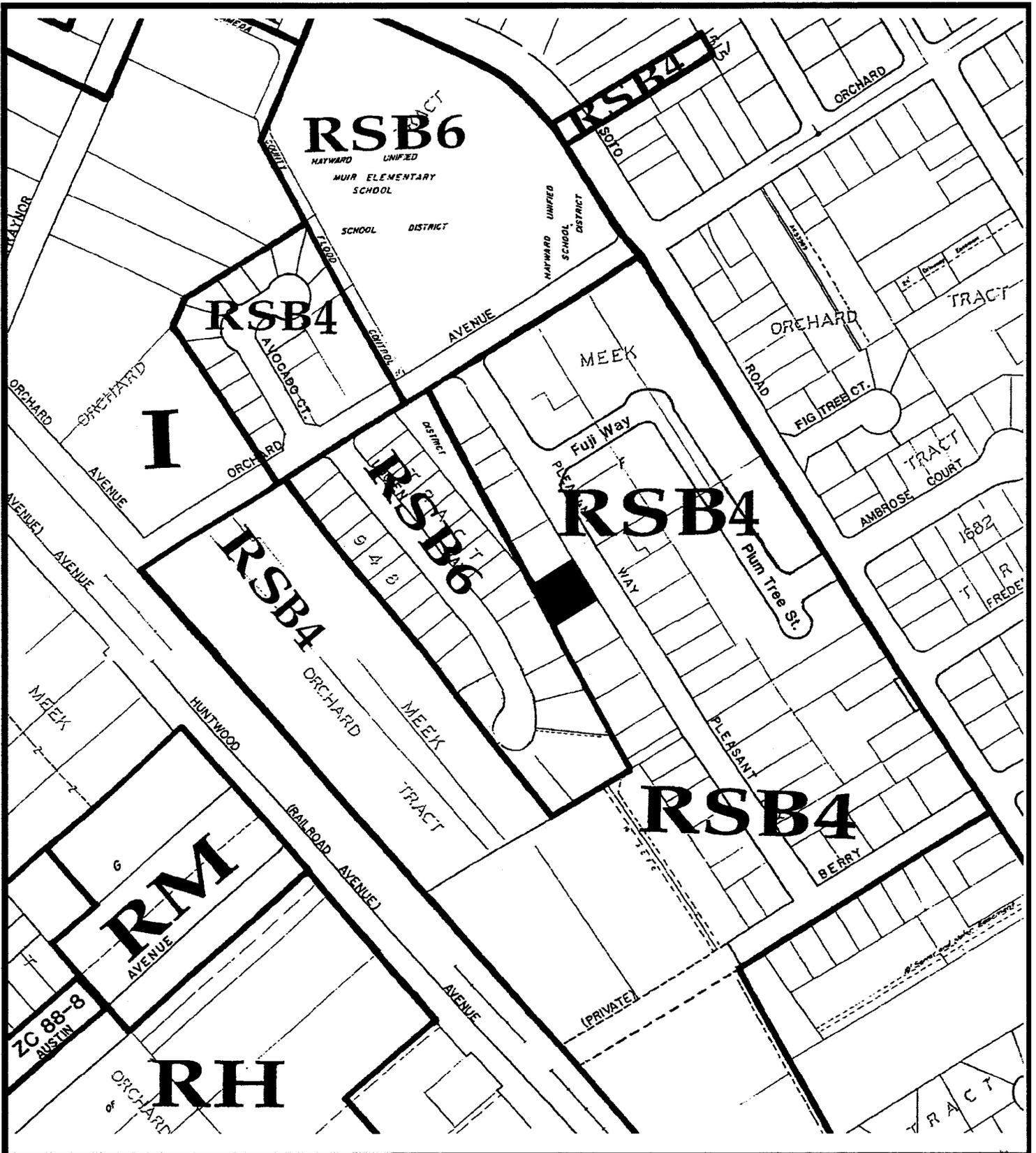
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area and Zoning Map
- B. Findings for Approval - Tentative Parcel Map 7850
- C. Conditions of Approval - Tentative Parcel Map 7850
Tentative Parcel Map 7850
Building Elevations



Area & Zoning Map

PL-2001-0257

Address: 25033 Pleasant Way

Applicant: Michael Jung

Owner: Joe Chen

ATTACHMENT A

**FINDINGS FOR APPROVAL
TENTATIVE PARCEL MAP 7850**

- A. The development takes into consideration physical and environmental constraints in that approval of Tentative Parcel Map 7850, as conditioned, will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332, *In-Fill Development Projects*.
- B. The tentative parcel map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the Jackson Triangle Neighborhood Plan.
- C. The site is physically suitable for the proposed type of development.
- D. Existing streets and utilities are adequate to serve the project.
- E. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made, and the approval of the tentative parcel map is granted subject to the recommended conditions of approval.

Findings for Variance

- A. The parcel is constricted by a limited property width, but has sufficient area to create two parcels that conform to required lot sizes. A variance to property width would allow the property to be developed to its full potential and consistent with surrounding lots.
- B. Strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the vicinity under the same zoning classification. Other properties have lot widths less than the required 50 feet and have been granted similar variances.
- C. The variance does not constitute a grant of a special privilege as other properties have developed with lot widths less than 50 feet, the lots will meet the minimum square footage requirements, and the project density is consistent with Zoning and General Plan requirements.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 7850**

PRIOR TO RECORDATION OF THE PARCEL MAP:

1. The owner shall enter into a deferred street improvement agreement to install curb, gutter, sidewalk, and tie-in paving across the property frontage. The entire frontage improvements shall be installed as a condition of the first building permit associated with this parcel map. The curb-to-curb width on Pleasant Way shall be 36 foot, with a 5.5 foot-wide sidewalk adjacent to the back of curb. The improvements shall be installed per City Standard Detail SD-113.
2. The existing home and garage shall be removed.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

3. Prior to construction or installation of improvements, a building permit must be obtained from the Building Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.
4. The electrical services to the two parcels shall be underground.
5. The design of the houses to be constructed on the two parcels shall comply with City of Hayward Zoning Ordinance and Design Guidelines.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCIES:

6. Prior to final inspection of the construction, all improvements and conditions of approval shall be completed to the satisfaction of the City Engineer and the Planning Director.
7. Park Dedication In-Lieu Fees are required for one new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.
8. If construction of the homes causes the removal of any of the redwood trees within the subdivision, a 36-inch-box redwood tree shall be planted on-site for each tree removed at a location approved by the City Landscape Architect.

The blueprint attachment is too large to scan and can be seen at the Library or in the Planning Office.