



CITY OF HAYWARD AGENDA REPORT

Meeting Date 05/08/03
Agenda Item 1

TO: Planning Commission

FROM: Andrew S. Gaber, Development Review Engineer

SUBJECT: **Tentative Parcel Map 8137 Including Variances to Property Widths – Khalid Mayar (Owner)** - Request to Subdivide a Parcel, Approximately 21,282 Square-Foot, into Four Residential Parcels, Each Approximately 4,000 Square Feet, and to Allow a Variance for the Reduction of Average Lot Widths

The Property is Located on Chance Street in a RS (Single-Family Residential) District

RECOMMENDATION:

Staff recommends that the Planning Commission find that the project is categorically exempt from CEQA review; and approve Tentative Parcel Map 8137 and the associated average lot width variances for the four parcels subject to the attached findings and conditions of approval.

DISCUSSION:

The request is to subdivide a parcel, approximately 21,282 square-feet total (0.49 acre) into four parcels of approximately 4,000 square feet, and approve a variance allowing reduced lot widths of 5 feet from the required 50 feet. The City of Hayward Municipal Code allows the Planning Director to administratively approve tentative parcel maps that conform to the General Plan, applicable neighborhood plan and the Municipal Code as long as no variances are required. Due to the variance request associated with this application, the Planning Commission must review the project.

The property is relatively flat and rectangular in shape. There is a single-story, single-family home constructed in 1959 and several sheds which will be removed. The Lassen Street frontage, along the westerly edge of the property, is currently improved with curb, gutter and sidewalk. Chance Street currently dead-ends on either end of the property and will be connected by extending it through the site. Subdividing the property will provide the opportunity to develop four single-family dwellings on individual lots consistent with the lot pattern established in the area.

The property is located approximately 1-1/2 miles southwest of the South Hayward BART station; however, AC Transit's Route 77 utilizes Huntwood Road to provide access to the BART station.

Conformance To City Regulations:

The *General Plan Land Use Map* designates this site as Limited Medium-Density Residential. The current zoning of RSB4 (Single-Family Residential – 4000 Square Foot Minimum Lot Size) is consistent with the *General Plan* designation. The General Plan policies and strategies encourage in-fill development that is compatible with the overall character of the surrounding neighborhood while maintaining and upgrading the existing housing stock. The proposed lot sizes, including lot width, are consistent with parcels in the neighborhood. The subdivision conforms to the Housing Element policies in that it is an in-fill development.

The proposal is consistent with the Tennyson-Alquire Neighborhood Plan in that the subdivision allows this property to be developed with single-family homes on lots similar to adjacent parcels and constructs the last portion of Chance Street, completing a connection originally planned for in 1992.

It is staff's opinion that the lot width variances are minor in nature and the proposed parcel widths are consistent with many of the properties in the neighborhood, which have property widths ranging from 38 to 48 feet wide. Therefore, strict application of the variance would deprive this property of privileges enjoyed by the other properties in the neighborhood.

The proposed subdivision meets all subdivision requirements, except that the parcel widths proposed range from 44 ± feet to 45.9 ± feet where a minimum of 50 feet is required. The applicant submitted plans to show that the parcels at the reduced lot widths could be developed with housing that meets the City's Design Guidelines and required setbacks. These plans can be processed and approved administratively. The plan sheet showing the front elevations is attached.

STREETS AND UTILITIES:

A condition of the tentative parcel map requires that the owner construct curb, gutter, sidewalk, and paving to connect the ends of Chance Street. The two adjacent developments were constructed in the early 1990s, and both were laid out anticipating the completion of Chance Street through this property. The developers of the adjacent properties attempted to include this parcel when they developed, but were unable to acquire the property.

Right-of-way improvements are to be installed prior to issuance of a certificate of occupancy for homes on the site. Lassen Street is at its ultimate street width, and the developer will replace the existing driveway and repair the existing curb, gutter and sidewalk as necessary. The developer will extend water and sanitary sewer mains within Chance Street to serve the project, and the existing systems have adequate capacity to serve the 4 homes.

The residents along the portion of Chance Street north of the project have provided a petition stating their opposition to the connection of Chance Street. Their concerns are that the street connection will lead to increased traffic, higher traffic speeds and potentially higher crime rates. They indicate that as a dead-end street, their children can more safely play in the street and it is quieter without passing vehicles. However, the extension of Chance Street was envisioned at the

time the circulation pattern was established with the surrounding development, and extending the street would be consistent with development standards throughout the City. Chance Street is not heavily traveled. It is a neighborhood street that serves only residents living along the street. Extending the street would not create a short cut to another area of the community as to the north, it ends at Lassen Street, and at the south, it ends in a cul-de-sac before Industrial Parkway. The Fire Department has also asked that the street be extended, allowing them to provide better response to the residents. Connecting Chance Street and avoiding dead-end streets is also consistent with Smart Growth principles calling for walkable neighborhoods, expansion of transportation options, taking advantage of compact building design, and creating a unified neighborhood.

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 and tenants within 300 feet of the subject property and to all interested parties regarding a preliminary meeting held on April 10, 2003. Six area residents attended and presented a petition (Attachment "D") expressing concerns about connecting Chance Street. On April 25, 2003, a notice of the Planning Commission meeting was also sent to all residents within 300 feet of the project site. A copy of this report was sent to those who attended the preliminary meeting.

CONCLUSION:

The subdivision is consistent with the *General Plan* and the *Tennyson-Alquire Neighborhood Plan*. Granting the lot width variance and approving the subdivision allows an existing underutilized parcel to be developed consistently with the neighborhood, provides additional homeownership opportunities and a mechanism for the connection of the two portions of Chance Street.

Prepared by:



Andrew S. Gaber
Development Review Engineer

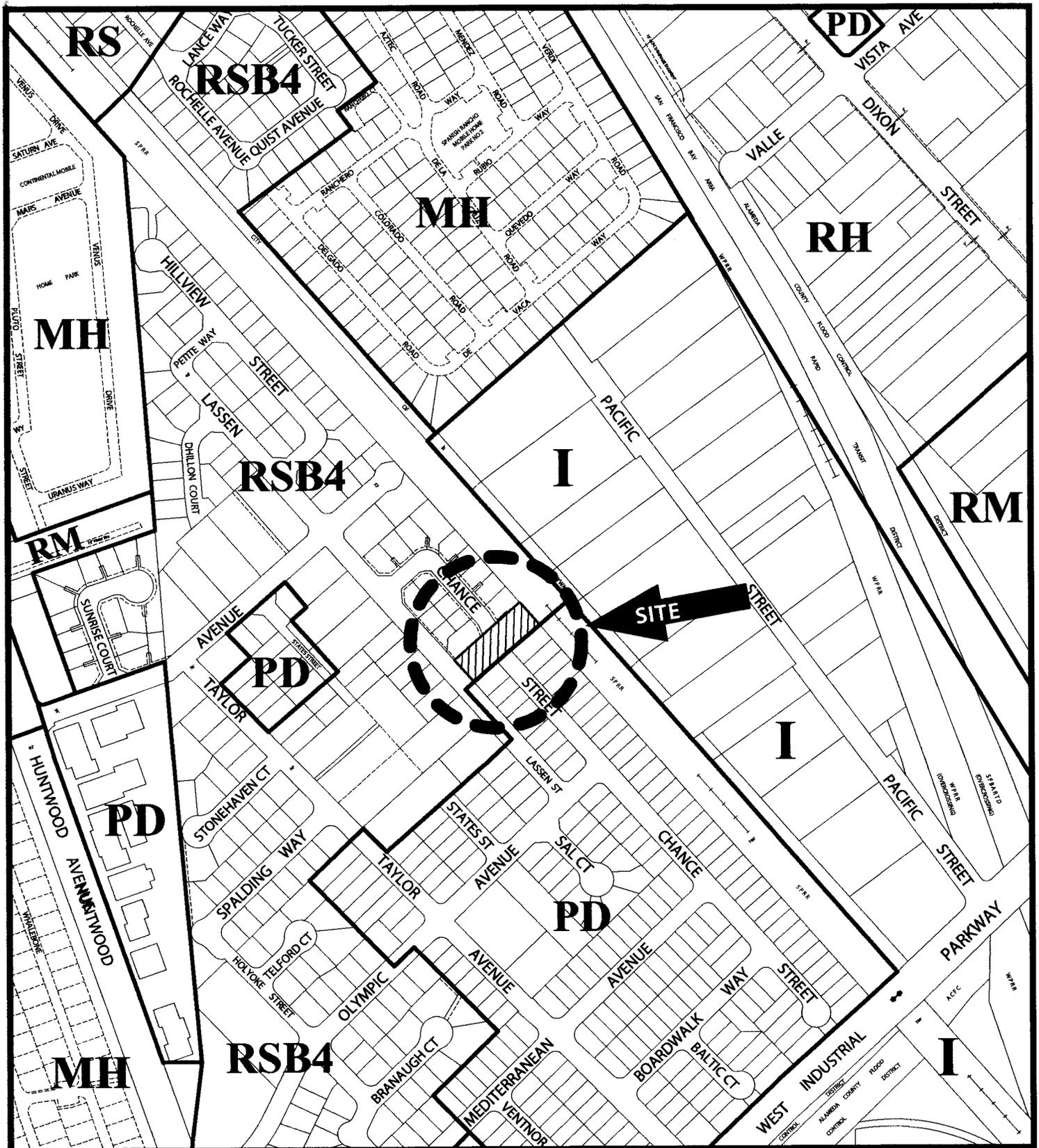
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval – Tentative Parcel Map 8137
- C. Conditions of Approval – Tentative Parcel Map 8137
- D. Residents Petition
Tentative Parcel Map 8137 and Site Plans



Area & Zoning Map

PL-2003-0185 PM 8137

Address: 47 Massolo Drive, Suite E

Applicant: Ruffin Architecture

Owner:

I-Industrial

MH (P)-Mobile Home Park

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential,RSB4,RSB6



**FINDINGS FOR APPROVAL
TENTATIVE PARCEL MAP 8137**

- A. The development takes into consideration physical and environmental constraints in that approval of Tentative Parcel Map 8137, 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 Tennyson-Alquire 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 four 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. Adjoining properties have lot widths less than the required 50 feet.
- 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 8137**

Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

All design work shall be performed by the subdivider's engineer unless otherwise indicated.

PRIOR TO RECORDATION OF THE PARCEL MAP:

1. The existing home and accessory buildings shall be removed. A Demolition Permit is required prior to commencing work.
2. The developer shall enter into a Subdivision Improvement Agreement for the construction of public improvements, including the connection of the two sections of Chance Street that end at this parcel. The roadway shall be designed with a reverse curve and have a curb-to-curb width of 36 feet with a 6 foot wide sidewalk. Other improvement include extending the water main along Chance Street to connect the two ends, and an extension of the sanitary sewer main to provide service to the 4 lots and construction of a manhole at the termination.
3. The applicant shall apply for building permits on the four parcels to ensure that the houses are designed to preserve the existing trees and that site and elevation design meet the Planning Directors approval. The design of the houses to be constructed shall comply with City of Hayward Zoning Ordinance and Design Guidelines.
4. Provide an arborist report for the site. The report shall list all trees on the site including species, caliper, health, proposed action, and value of each tree. Existing trees shall be preserved to the greatest extent possible according to the City's *Tree Preservation Ordinance*. A tree removal permit shall be required prior to the removal of any tree 10" in diameter, or larger. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
5. The homes on all four parcels shall be designed to face and take access off of Chance Street
6. Parcels 1 and 2 shall relinquish access rights along Lassen Street. A wall shall be constructed along the Lassen Street frontage, connecting to the wall on the southerly end of the property. The location, design and materials shall be approved by the Planning Manager and City Engineer. Existing driveways along Lassen Street shall be removed and replaced with standard curb, gutter and sidewalk.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

7. 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.
8. The electrical services to the four parcels shall be underground.
9. Two area drains shall be installed in front of each lot for surface drainage.
10. The area between Parcel 3 and the existing 8 foot concrete block wall shall be backfilled to match the finished grade of Parcel 3, with written permission from the adjacent property owner.
11. Each home must have an individual water meter and sanitary sewer lateral. Water meters and services to be located a minimum of 2 feet from the top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer laterals per State Health Code.
12. One street tree is required for each single-family lot. The trees should be 20 feet from the corner, 20 feet from any light pole and 5 feet from any utility.
13. As required by the Planning Manager, a street tree plan and front yard landscaping and irrigation plans shall be submitted for review and approval by the city either, prior to approval of improvement plans or prior to the issuance of building permits. Front yards shall be limited to a maximum 50% Fescue turf. One 15-gallon street tree shall be provided on each lot for every 50 feet of frontage, or portion thereof. Trees shall be planted according to the City Standard Detail SD-122.
14. A tree removal permit is required prior to the removal of any protected tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
15. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition.
16. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCIES:

17. 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 Manager.
18. Park Dedication In-Lieu Fees are required for each new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.
19. 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 issuance of a Certificate of Occupancy.
20. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.

Christina M. Perez

29296 Chance Street
Hayward, Ca 94544
510.785.4230

April 4, 2003

Mr. Andrew Gaber:

This is a letter regarding the reconfiguration of *Chance Street*. It has come to our community's attention that the city is planning on rebuilding our street; which, in turn for us, results in the loss of our private cul-de-sac of 8 years. After meeting with each and every homeowner on this street, we've unanimously agreed that we do not want any changes made to our street. Also, we've purchased our homes with the incentive of having a private 'cul-de-sac', as stated specifically in our signed contracts. Listed below, you will find the signature of every homeowner within the cul-de-sac that is petitioning against this change. Thank you for your time.

Sincerely,



Christina G. Perez

Homeowner 29296 Chance St.

<u>Homeowner</u>	<u>Address</u>	<u>Signature</u>
Melanie T. Ortega	29288 CHANCE ST.	M Ortega
Teresito Alcalde	29304 Chance St	T Alcalde
Shirley A. Cayman	29316 Chance St	Shirley A. Cayman
Edward C. Malveda	29328 Chance. ST	Edward Malveda
Vilma C. Malveda	29327 Chance. ST.	Vilma C. Malveda
LINDALEG ONTEGA	29288 CHANCE ST	Linda G. Ortega
Sminder Dhillon	29273 Chance St.	Sminder K. Dhillon
Satinder Dhillon	29197 Loree Pl.	Satinder Dhillon
ORLANDO D CALARA	29281 Chance St	Orlando Calara
CECILIA T. CALARA	29281 CHANCE ST.	Cecilia T. Calara
SEI KAW YEO	29280 CHANCE ST.	Sei Kaw Yeo
VIRGINIA ALARVA	29272 CHANCE ST	Virginia Alarva
LEONARDO ALARVA	29272 CHANCE ST	Leonardo Alarva
Percy CLARK	29221 Chance ST	Percy Clark



<u>PHASE I</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>PLAN(S)</u>	<u>APPROX. SQ. FT.</u>	<u>PRICE(S)</u>
	1	29272 Chance Street	1	1612	SOLD
	2	29280 Chance Street	3	1895	269,800
	3	29288 Chance Street	2	1823	SOLD
	4	29296 Chance Street	3	1895	270,800
	5	29304 Chance Street	1	1612	SOLD
	6	29310 Chance Street	3	1895	268,800
	7	29316 Chance Street	2	1823	261,800
	8	29322 Chance Street	1	1612	SOLD
	9	29328 Chance Street	3	1895	268,800
	10	29273 Chance Street	3	1895	SOLD
	11	29281 Chance Street	3	1895	SOLD
	12	29321 Chance Street	3	1895	SOLD
	13	29320 Chance Street	3	1895	SOLD
	14	29327 Chance Street	3	1895	SOLD

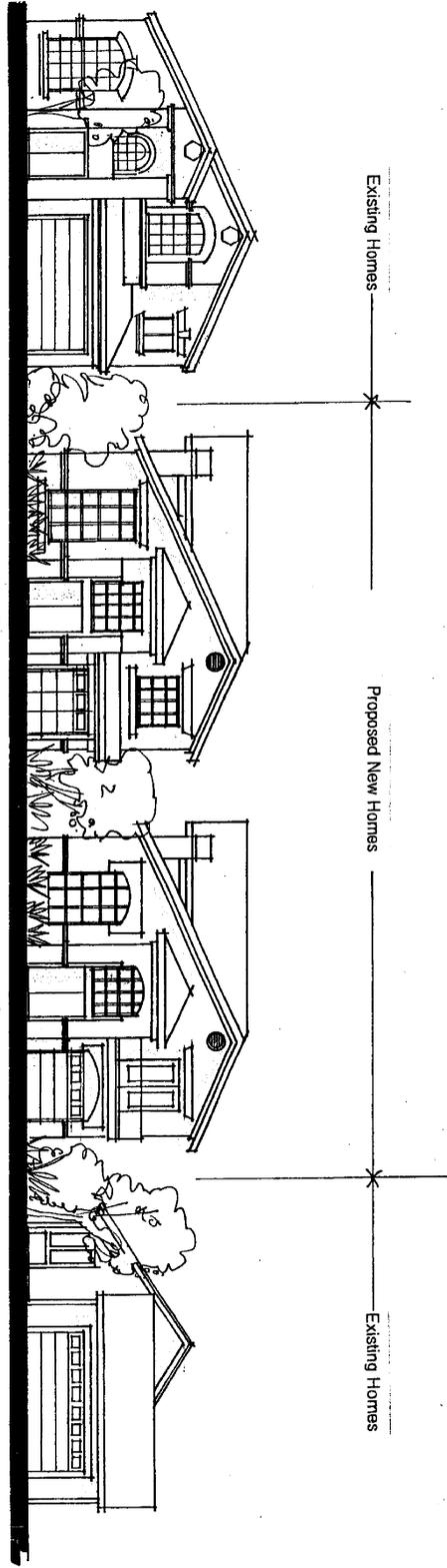
The residences at Hill-View include: private cul-de-sacs, front yard landscaping, high ceilings, and gas ranges. Residents will enjoy the schools, shopping, and easy access to BART.

Prices Effective April 1, 1994

29280 Chance Street
Hayward, CA 94544
510/783-3341

BAS Homes

Seller reserves the right to change prices, plans or materials at any time without notice.



East Elevation
1/4" Scale

