



E.1 Hearing to consider permitting ten single-family homes located at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue. The Planning Commission will consider recommending approval of: (1) P-18-34, establishing a Planned Development Overlay District and a Planned Development Plan and; (2) TTM-18-35, Vesting Tentative Map 8494 to allow a 10-lot subdivision for the construction of 10 single-family homes at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue (APNs 92-61-12-1, 92-61-12-2 and 92-61-11)- from Associate Planner Mangalam. *Sm* (RESOLUTIONS-2)

Background/Discussion – GoldSilverIsland Homes LLC has submitted an application to allow a 10-lot subdivision for the construction of ten single-family homes at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue. The subject site is zoned Residential Medium Density (RM) with a Medium Density Residential General Plan land use designation.

The subject site comprises of three lots, located at 37256 Magnolia Street, 37280 Magnolia and 6849 Baine Avenue and is approximately 0.93 acres in size. At present, there are six depilated homes on these three lots but none of them are occupied. The surrounding neighborhood is a mix of single-family and multi-family residential units. The subject site is located in Historic Newark Area Plan (HNAP), which was adopted in 1990 as part of the City’s General Plan and continue to be applicable today. The key goals of HNAP included protecting single-family neighborhoods and preserving historic character of the Old Town.

The subject site is unique in terms of its location as it has frontage on three streets- Magnolia Street, Baine Avenue and Olive Street, thus providing a distinctive opportunity in terms of reshaping an entire corner of an existing city block. Baine Avenue separates the subject site from railroad tracks. The applicant proposes to combine three existing lots and then subdivide it into 10 lots ranging in size from 3,500 square-feet to 6,267 square-feet with frontage on three streets- Magnolia Street, Baine Avenue and Olive Street as follows:

Lots	Frontage	Home size	Lot size
Lot 1	Magnolia Street	3,016 sq. ft.	6,267 sq. ft.
Lot 2	Magnolia Street	2,316 sq. ft.	3,500 sq. ft.
Lot 3	Magnolia Street	2,171 sq. ft.	4,113 sq. ft.
Lot 4	Baine Avenue	3,016 sq. ft.	4,480 sq. ft.
Lot 5	Baine Avenue	3,016 sq. ft.	4,480 sq. ft.
Lot 6	Baine Avenue	3,016 sq. ft.	5,320 sq. ft.
Lot 7	Baine Avenue	2,553 sq. ft.	3,660 sq. ft.
Lot 8	Olive Street	2,574 sq. ft.	4,398 sq. ft.
Lot 9	Olive Street	2,570 sq. ft.	3,651 sq. ft.
Lot 10	Olive Street	3,016 sq. ft.	5,313 sq. ft.

All the proposed homes will be two story and front loaded with private rear yards. The detached single family homes will consist of living, dining, family, kitchen, 4 to 5 bedrooms and 3.5 to 4.5 bathrooms.

The City's off-street parking requirement is satisfied by the provision of a two-car garage. A driveway apron in front of each garage would provide for guest parking spaces for each dwelling.

The Historic Newark Area Plan included recommendation that Victorian architecture styles should be used for new developments in Old Town where appropriate. The architect has included several roof lines, window design and detailing, gable elements, porches to reflect the Victorian style. Variety of color schemes and building materials are included to offer variety and to ensure that all the homes are distinct. The proposed building materials include three styles of siding - hardie plank, shingle and scalloped shingle; stucco; stone veneer; and so on.

Community Meeting

A community meeting was held by the applicant on Wednesday, October 15, 2018. The notice was sent to neighboring properties within a 400-foot radius around the subject site and five property owners were in attendance. Neighboring property owners expressed their concerns regarding the subject site being a dumping ground, issue of rat infestation and squatters. The applicant has been vigilant in ensuring that the subject site is properly secured so that there is no dumping and squatting. In addition, the applicant also carried out pest control and obtained Rodent Inspection Clearance to staff's satisfaction. In general, the neighboring property owners were happy that the proposed development is not a multi-family residential development and are supportive of the proposed project.

The proposed residential project requires the approval of the following actions to allow the construction of proposed residential project.:

Vesting Tentative Tract Map: The applicant has submitted a Vesting Tentative Tract Map 8494 to allow for a 10-lot subdivision on an approximately 0.93-acre site. The ten lots included in the map will vary in sizes from 3,500 square-feet to 6,267 square-feet.

Planned Development (PD) Overlay District and PD Plan:

The project proposes ten single-family homes with few deviations from the development standards of Residential Medium Density (RM) District as included in Section 17.07.030 of the Newark Zoning Ordinance. The specific deviations are as follows: (1) as per the requirement, the minimum lot size shall be 6,000 square-feet. However, nine out of ten proposed lots do not meet this requirement; (2) the proposed lots do not meet the minimum lot width of 60 feet and are set at minimum 40 feet; (3) the proposed lots do not meet the lot depth requirement of 100 feet and are set at minimum 67 feet; and (4) the proposed homes are set at minimum four feet interior side setback in lieu of five feet.

As per Section 17.12.060 of the Newark Zoning Ordinance, a PD Plan shall only be approved if certain findings listed below are made. The Findings given in the draft resolution of approval contains language that comes from the Newark Zoning Ordinance, is supported by application

materials on file.

- a. *The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply.*

The subject site is located in Old Town which is the historic heart of Newark. In 1990, the City adopted the Historic Newark Area Plan (HNAP) as part of the City's General Plan. One of the key goals of HNAP was to protect single-family neighborhoods. The applicant proposes to build ten single-family homes and is not exceeding the maximum density included for Medium Density Residential designation in the General Plan.

- b. *Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare.*

The subject site is bounded by three streets, Magnolia Street, Baine Avenue and Olive Street. As the existing parcel is under-developed, the addition of ten homes to the existing neighborhood would not require additional street improvements for traffic mitigation. The project will realign existing sidewalks to conform to the pattern of the existing neighborhood. All homes will have 2 car-garage parking. A driveway apron in front of each garage would provide for guest parking spaces for each dwelling. This will result in 4 off-street parking spaces per unit. Guest parking is available on both sides of Baine Avenue, as there is no development on the southeast side of Baine Avenue.

- c. *The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.*

The surrounding neighborhood is a mix of single-family and multi-family residential units, thus, the subject site is surrounded mostly by residential use and proposed residential use will be a compatible.

- d. *The development generally complies with applicable adopted design guidelines.*

The proposed project complies with all applicable design standards.

- e. *The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.*

The subject site is zoned as Residential Medium Density and would have resulted in multi-family residential development, thus resulting in increased traffic and disrupting single-family neighborhood characteristic of the Old Town. The applicant proposes to build ten high-quality, traditional Victorian styled single-family homes which are superior to the development that could occur under the standards applicable to the underlying Medium Density District.

Noise Study

Due to proximity of the subject site to rail tracks, an “Environmental Noise and Ground-Borne Rail Vibration Assessment” was performed by Charles M. Salter Associates, Inc., to determine if the project meets City’s acceptable noise levels (interior limit of 45 LDN and exterior of 60 LDN, where LDN is the average sound level over a 24-hour period). The project is conditioned to meet the interior and exterior noise standards of the General Plan and Zoning Ordinance and shall carry out mitigation measures as outlined in the reports.

California Environmental Quality Act (CEQA) exemption

This project is categorically exempt from CEQA analysis under Guidelines per Section 15332, Class 32, “In-Fill Development Projects”.

Recommendation

The proposed project is in line with the vision of the Historic Newark Area Plan by proposing to build high quality, Victorian styled single-family homes. Thus, staff recommends approval of this proposed residential development.

Action – The Planning Commission, hereby, recommends by resolution, that the City Council, approve the following: 1) P-18-34, establishing a Planned Development Overlay District and considering a Planned Development Plan, with Exhibit A and B; and (2) TTM-18-35, Vesting Tentative Map 8494 to allow for a 10-lot subdivision for the construction of ten single-family homes located at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue (APNs 92-61-12-1, 92-61-12-2 and 92-61-11), with Exhibit A.

Attachments

Exhibit A: Plan set; and

Exhibit B: Environmental Noise Study and Vibration Study

Draft City Council Ordinance