



DATE: March 2, 2021

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Rainbow Court Single-Family Residence: Adopt a Resolution Approving Site Plan Review and Grading Permit Application for Proposed Single-Family Residence on a Vacant 0.12-Acre Hillside Lot with an Average Slope Greater than 20%, Located at 2382 Rainbow Court, Assessor Parcel No. 425-0410-029-00, Application No. 202002396, Ravi Jonnadula, H & M Ventures (Applicant/Owner)

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving the Site Plan Review with Grading Permit application for the proposed single-family residence on a vacant hillside parcel at 2382 Rainbow Court, based on the required Findings and subject to the Conditions of Approval.

SUMMARY

The applicant is requesting approval for a Site Plan Review (SPR) with Grading Permit application to allow the construction of a three-story, 3,442-square-foot single-family residence with a roof deck and a 3-car garage on a 0.12-acre (5,125 square-foot) vacant hillside parcel located at 2382 Rainbow Court (Assessor Parcel No. 425-0410-029-00).

Generally, Site Plan Review (SPR) applications for single-family residences within the hillside areas are subject to administrative staff level review. However, the average slope of the area that will be graded is 21.3% and the Grading/Clearing Ordinance requires that the City Council approve the Grading Plan for developments where the area disturbed is over 20% per Section 10-8.023 of the Hayward Municipal Code (HMC). Since the HMC does not allow staff to refer a SPR application directly to City Council without Planning Commission review, staff presented this application to the Planning Commission for recommendation prior to City Council consideration. Staff believes the single-family residence is an attractive addition to the surrounding neighborhood and is consistent with the RS District development standards, Hillside Design Guidelines, and the Hayward 2040 General Plan.

BACKGROUND

The project site is located within the Single Family Residential (RS) zoning district and is designated Suburban Density Residential (SDR) in the Hayward 2040 General Plan. The proposed development is located on a vacant 5,125-square-foot lot that slopes upward from Rainbow Court.

In 1978, Tract No. 3992 was recorded formally subdividing the land into ten individual residential lots creating the Rainbow Court cul-de-sac – accessible from Parkside Drive, a one-way street. The parcel is subject to the height restriction per recorded Tract Map 3992, which limits the height of the home to elevation 606 feet for buildings on Lots 7 through 10. This home is located on Lot 8 and as proposed, complies with the height limitation.

Planning Commission. On March 11, 2021, the Planning Commission reviewed the proposed project at a virtual public hearing via Zoom and voted 6:0 (one absent) to recommend the City Council approve the Site Plan Review with Grading Permit application with a modification to Condition 29(d). During the hearing, an adjacent property owner spoke and expressed concerns about the possible impact that additional grading might have on her patio paving and retaining wall. To mitigate this concern, Condition 29(d) was subsequently updated to address potential storm water runoff and is reflected in the attached resolution (Attachment II). A copy of the draft of the Planning Commission minutes is included as Attachment III.

DISCUSSION

Existing Conditions. The 0.12-acre project site is a vacant, unimproved parcel of land located at the neck of Rainbow Court. The Topographic Survey identifies an approximate 12-foot drop in the first 30 feet from the concrete sidewalk at street-level. The parcel levels off and slopes from the south to the north side property lines. The parcel is not located in the Alquist-Priolo Fault Zone or any Seismic Landslide or Liquefaction areas. The project site is located within an existing single-family neighborhood and is surrounded by other single-family uses.

Proposed Project. The applicant is proposing to construct a Mediterranean Style three-story 3,442-square-foot, single-family residence containing 3 bedrooms, 1 study/guest room, 3 full bathrooms, 2 half bathrooms and a three-car garage. The ground level of the home will contain the 3-car garage. The 1st floor will include a living room, dining room, kitchen, family room and study/guest room, and the second floor will include a loft, laundry room, a master bedroom and two other bedrooms. From the second floor, stairs lead to the roof top deck. A copy of the project plans with architectural elevations are included as Attachment IV.

Site Improvements. As proposed, the new single-family residence will require on-site improvements to the subject property prior to the issuance of a Certificate of Occupancy. On-site improvements include the installation of drought-tolerant landscaping, erosion control measures (during construction), stormwater management features, and the incorporation of Best Management Practices (BMPs) for construction noise, grading and construction activities to prevent adverse negative impacts onto adjacent properties. Other site improvements include a new driveway, decorative paving, concrete steps, and a new

retaining wall.

Landscaping. The applicant submitted a landscaping and irrigation plan, which is included as part of the project plans (Attachment IV). The landscape and irrigation plans include conceptual level drawings that demonstrate compliance with the Bay-Friendly Water Efficient Landscape Ordinance (WELo), which requires sustainable landscaping practices by using drought-tolerant native species, appropriate irrigation methods, and water budget calculations. Much of the landscaping proposed on site will be near the proposed residence and include new tree planting, shrubs and groundcovers.

The landscaping and irrigation plans will be reviewed in greater detail during the building permit phase and the City's Landscape Architect will inspect the project site during construction to verify the trees are planted correctly with proper irrigation to maximize the health of the trees.

Site Plan Review. Development on parcels within the designated Hillside Urban/Wildland Interface Area are subject to the Site Plan Review process and associated findings contained in Section 10-1.3025 of the Hayward Municipal Code¹. This is to demonstrate that proposed developments, along with any site improvements, are consistent with the development standards of the RS zoning district, Hillside Design Guidelines, as well as the applicable General Plan goals and policies. Per the HMC, the Council may approve or conditionally approve an application for Site Plan Review when all of the following findings are made:

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;
- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City development policies and regulations; and
- The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Staff has provided a more detailed analysis of the required Site Plan Review findings for approval within the draft resolution.

Grading Permit. The project is subject to Council review for the proposed grading since the average slope of the site, 21.3% exceeds 20%. The applicant has submitted preliminary civil plans (grading, drainage, utility, and erosion plans) for the project that was reviewed by the City's Engineering Division. The applicant has also submitted a Geotechnical Report prepared by Frank Lee & Associates (October 2015 & updated July 2019) providing recommendations on site preparation, compaction, excavating, drainage (surface and subdrain), foundations, slabs, retaining walls based on the soil investigation and analysis.

¹ Site Plan Review Findings, Chapter 10, Article 1:
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3000SIPLRE

The report finds that the slopes on the project site are moderate, the surface and subsurface soils are not highly expansive soils, and the site contains competent soil conditions. In addition, the report finds that the project is outside of the Alquist-Priolo Fault Zone but because of its proximity to it, there is the potential for significant ground shaking by an earthquake. However, the report concludes that the property is suitable for the proposed site and landscape improvements provided the recommendation of the report are incorporated into the on-site construction and grading activities. Additionally, a standard set of conditions will include the review and approval of an erosion control plan and containment of construction materials; and a limitation on the days and hours of grading activity to minimize impacts on the surrounding neighborhood.

Hayward 2040 General Plan. The project site is designated as Suburban Density Residential (SDR) in the *Hayward 2040 General Plan*². Properties within the SDR land use designation predominantly consist of single-family residences within the rural and suburban areas located within the eastern hills of the Hayward Planning Area. The General Plan indicates that future development within this land use area will primarily consist of additional residential development, building and landscape improvements, and neighborhood enhancements.

The *General Plan* also provides goals and policies which serve as guiding principles and provide a host of strategies for future development in the City. The proposed project was evaluated against the applicable goals and policies and found to be consistent with the following:

- Land Use Policy LU-1.7 Design Guidelines: The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.
- Land Use Policy LU-3.7 Infill Developments in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and features.
- H-3.1 Diversity of Housing Types: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

Staff has reviewed the project components and finds that the development is consistent with the goals and policies of the City's General Plan and the Hillside and Urban/Wildlife Design Guidelines by proposing a residence which architecturally steps with the natural topography of the hillside and is compatible with the other dwellings in the area.

Zoning Ordinance. The project site is located within the RS, Single-Family Residential zoning district. Pursuant to Section 10-1.200³, the RS zoning district allows for the development of single-family residence as a primary use permitted by-right. The project, as proposed, would

² Suburban Density Residential, Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/land-use/residential>

³ Single-Family Residential District, Chapter 10, Article 1:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200SIMIREDIRS

allow the construction of a new single-family dwelling, which meets the following objective development standards. Table 1 includes a comparison chart showing the development standards proposed by the project and those required by the Zoning Ordinance.

Table 1: Zoning Development Standards

Criteria	Proposed	Required
Lot Coverage	40%	40%
Front Setback	20'	20'
Side Yard	5'	5'
Rear Yard	20'	20'
Parking	Three-car garage	Two-car garage
Driveway Length	20'	20'
Height	30'	30'

Hillside and Urban Wildland Interface Guidelines. The project is located on a hillside parcel that is subject to the design standards of the Hillside and Urban Wildland Interface Guidelines⁴. The purpose of the Hillside and Urban Wildland Interface Guidelines is to seek to identify elements of good design which will enhance the appearance of the city and make the neighborhood more livable, while being conscious of the natural topographies and slopes. The proposed residence has been designed to minimize impacts to the existing hillside and will be attractively designed to minimize visual impacts from adjacent properties and the street frontages.

Staff believes the proposed project is consistent with the design guidelines of the Hillside Design and Urban/Wildland Interface Guidelines in that the proposed development has been designed to minimize grading while not exceeding the 606 feet elevation constraint that was required when the original subdivision for Rainbow Court was approved. Additionally, staff notes that the front façade gradually steps back with the slope and the home is nestled into the hillside and as such, will minimize the mass and bulk of the project as seen from the street.

Environmental Review. The proposed project is deemed categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303(a), Class 3 of the CEQA Guidelines as the project involves the construction of one single-family residence on a legal parcel in a residential zone. Although the project will involve grading on a parcel with a slope greater than 20 percent, the project site is not located within an officially mapped area of severe geological hazard, such as the Alquist-Priolo Earthquake Fault Zone area. Therefore, no additional environmental analysis is required.

ECONOMIC IMPACT

The proposed project would result in the development of a currently vacant lot in an existing residential neighborhood. The proposed development would not require the expansion of

⁴ Hillside Design and Urban/Wildland Interface Guidelines:
<https://www.hayward-ca.gov/sites/default/files/COH%20Hillside%20Design%20Urban-Wildland%20Interface%20Guidelines.pdf>

public utilities or services and is not expected to have a negative impact on the City regarding public utilities or public services. Furthermore, the project would result in new residents moving into Hayward, which should generate demand for goods and services, thereby providing stimulus for new or existing jobs in the City's economy.

FISCAL IMPACT

According to the City of Hayward Fiscal Impact Model (2017) prepared by Applied Development Economics, Inc., the project would generate an estimated \$1,992 in annual revenue from property and utility user taxes and approximately \$1,917 in annual costs related to City services, resulting in a net positive impact of approximately \$75 per year.

STRATEGIC ROADMAP

In January 2020, the Council adopted six Strategic Priorities as part of its three-year Strategic Roadmap. This agenda item supports the two of Core priorities of the Strategic Roadmap:

- *Priority: Preserve, Protect, and Produce More Housing.* The project will increase the housing stock in Hayward.
- *Priority: Combat Climate Change.* The carbon footprint will be reduced as new homes will not be allowed to have gas appliances.

SUSTAINABILITY FEATURES

The project has been designed to meet all applicable 2019 California Residential and Green Building Codes, which require a minimal level of energy efficiency, conservation, material recycling, and air quality, for new construction. In addition, the landscaping areas and irrigation system will be compliant with Bay Area-Friendly Water Efficient Landscape Ordinance, which requires the use of drought tolerant planting with water-efficient irrigation systems. Furthermore, the applicant will comply with ordinances related to construction debris and recycling to divert waste from landfills.

PUBLIC CONTACT

Following receipt of the application, staff conducted the following public outreach:

- On July 13, 2020, a Notice of Receipt of Application was sent to all property owners and tenants located within a 300-foot radius of the project site, including interested stakeholder groups such as Old Highland Homeowners Association (OHHA), Highland Neighborhood Task Force, and the Hayward Area Planning Association.
- On January 29, 2021, a Notice of Public Hearing was advertised in the newspaper and sent to all property owners, relevant stakeholders, and site addresses within 300-feet of the subject property. Staff received no public comments prior to the hearing.

- On February 11, 2021, the Planning Commission held a virtual public hearing and voted 6:0 to recommend approval of the project to the City Council with one revised condition. One member of the public participated in this meeting and voiced concerns over the amount of grading and potential impacts to their property.
- On February 19, 2021, a Notice of Public Hearing for the City Council was published in the Daily Review newspaper and sent to all property owners and interested stakeholders within 300 feet of the subject property.

NEXT STEPS

If the Council approves the project, the decision will be final, and the applicant may then proceed with obtaining building permits.

Prepared by: Carl Emura, Associate Planner

Recommended by: Laura Simpson, Director of Development Services

Approved by:



Kelly McAdoo, City Manager