

**CITY OF HAYWARD PLANNING DIVISION
SITE PLAN REVIEW NO. 201700714
DRAFT FINDINGS FOR APPROVAL
2367 RAINBOW COURT**

Proposed Single-Family Residence on a Vacant 0.27-Acre Hillside Parcel Located at 2367 Rainbow Court, Requiring Approval of a Site Plan Review with a Grading Permit (Application No. 201700714); and the Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Mark Bucciarelli (Applicant) on behalf of Thip and Quan Tran (Property Owners)

SITE PLAN REVIEW FINDINGS

Per Section 10-1.3025 of the Hayward Municipal Code, the Planning Commission may approve or conditionally approve an application when all the following findings are met:

A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City

The proposed development will be compatible with on-site and surrounding structures and uses in that the project site is located in the Rainbow Court cul-de-sac, where all properties are in the Single-Family Residential (RS) zoning district subject to the same development standards (i.e. setbacks, height, and lot coverage), design guidelines, and performance standards. Currently, three of the ten parcels along Rainbow Court are developed with existing single-family residences which include two- to three-existing single-family dwellings that range between 2,700 square-feet to 4,100 square-feet of living area.

Further, the proposed development of the single-family residence at the project site will be an attractive addition to the City as it will be designed with modern, contemporary design elements. The proposed three-level, contemporary residence will incorporate a 2:12 shed roof pitched toward the street and a flat roof extending along the main-level toward the rear. The residence will be constructed using wood-framing and finished in a combination of white cement plaster and a decorative tile base. To contrast, the residence will incorporate a one- to two-foot roof recess using a darker, metal roof material that will display the transition from parts of the main-level to the upper-level breaking up the massing and scale of the residence.

On April 3, 2018, the City Council approved Site Plan Review and Variance Application No. 201705626 to allow the construction of another modern, two-story single-family residence located at the corner of Rainbow Court and Parkside Avenue, 2398 Rainbow Court. If constructed, this development would share characteristics and features with the modern elements of that residence.

B. The development takes into consideration physical and environmental

constraints

The proposed single-family residence takes into consideration the physical and environmental constraints in that it is designed to be constructed along the existing slope and natural topography. The proposed architectural design of the single-family residence is consistent with the City's Hillside Design and Urban/Wildlife Interface Guidelines. The Hillside and Urban/ Wildfire Interface Guidelines requires that new buildings within the development exhibit varied elevations, floor plans, setbacks, and a quality architecture to enhance the hillside setting. Most notably, the Hillside Design Guidelines requires that developments exhibit a stepped architecture along the slope to minimize excessive grading and unnecessary cuts into hillside. The proposed residence has incorporated well-articulated front and street side elevations with well-proportioned windows, a flat roof and a variety of textures

A Geotechnical Report (Hallenbeck/Allwest, 2016) was prepared for the proposed project at the property that included an analysis of the physical and environmental constraints on the property with respect to slope stability, drainage, landslide potential, foundation, and retaining walls that determined the property was adequate to be built upon with the incorporation of specific design-level measures recommended by the Geotechnical Engineer. These specific design-level geotechnical recommendations have been incorporated as Conditions of Approval and Mitigation Measures for the proposed development (see Mitigation Monitoring and Reporting Program).

C. The development complies with the intent of City development policies and regulations

The proposed single-family residence complies with applicable City development policies, including but not limited to the *Hayward 2040 General Plan*, the Hayward Municipal Code, and the City's Hillside Design and Urban/Wildlife Interface Guidelines. In addition, the development consistent with the following *Hayward 2040 General Plan* goals related to Land Use and Community Character:

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.

The project also incorporates new drought-tolerant landscaping in compliance with the Bay Area-Friendly Water Efficient Landscape Ordinance and will enhance the visual quality and character of the existing vacant site. The project will also conform to the City's Tree Preservation Ordinance, which requires preservation of existing trees to the greatest extent feasible and mitigation for the proposed removal of existing protected tree. An Arborist Report (Arborwell, 2018) was prepared for the

project identifying the appraised value of the existing Live Oak trees on-site. The report includes tree protection measures to protect and minimize disruption of the existing trees during construction and grading activities.

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The proposed single-family residence, as conditioned, will be compatible with the surrounding residential development as the project will be subject to all applicable provisions of the Hayward Municipal Code including construction, maintenance, landscaping, etc. In addition, the proposed development of one single-family residence will be located within an already established single-family residential neighborhood, consistent with the land use pattern and character of the surrounding homes in the vicinity.

The project will incorporate both on- and off-site improvements. On-site improvements will include the installation of drought- tolerant landscaping, erosion control measures, stormwater management features, and shall incorporate Best Management Practices (BMPs) for construction noise, grading and construction activities to prevent adverse negative impacts onto adjacent properties. Other site improvements would include a new driveway, concrete step pads for walkways, stairs, landscaped planters, and retaining walls.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- E.** Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15220, an Initial Study was prepared for this project with the finding that a Mitigated Negative Declaration (MND) was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures.
- F.** The proposed MND was prepared by the staff on behalf of the City of Hayward (Lead Agency), and the MND was circulated to the State, all interested parties, and posted in the newspaper with a minimum 20-day public review period between June 1, 2018 and June 21, 2018.
- G.** The proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgement of the Planning Commission; such independent judgement is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed MND and its findings and conclusions as its source of environmental information; and the proposed MND is legally adequate and was completed in compliance with CEQA.

- H.** The proposed MND identified all potential adverse impacts and based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the Project, with mitigation measures incorporated, will have a significant effect on the environment.
- I.** The project complies with CEQA, and the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending approval of the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.