



**DATE:** September 27, 2016

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT** Proposed New Single-Family Home on an Undeveloped Site with Slopes that Exceed 20% Located at the Terminus of Dryden Court (Assessor's Parcel Number 081D-2086-064-00) for Bijan Mashaw (Applicant/Owner). Proposed Project Includes Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

### **RECOMMENDATION**

That the City Council adopts the attached resolution (Attachment II), approving the Site Plan Review and adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the proposed development.

### **SUMMARY**

The proposed project, consisting of development of a single-family home on a steeply sloped hillside lot, complies with the City's Hillside Design Guidelines and applicable Single-Family Residential (RS) District standards. Specifically, the home is designed to nestle into the hillside and the property contains a conservation easement that, along with the proposed home and below-ground foundations, will minimize impacts to the site. The Planning Commission has recommended approval of the project.

An Initial Study was prepared for the project because the site exceeds the minimum grades that could allow the project to be exempted from environmental review and analysis. The Initial Study concluded that the proposed development would result in a less than significant impact on the environment if all recommendations provided by the Geotechnical Engineer are included on all final construction level drawings and submittals and incorporated into the project. The identified Mitigation Measures are recommended as a condition of approval for the project.

### **BACKGROUND**

Staff received an application for Site Plan Review in February of this year. Site Plan Review for individual homes is typically subject to staff level administrative review; however, this application is coming before the City Council for review and approval because the Hayward Municipal Code (HMC) Section 10-8.23 (b) requires City Council review of grading permits on sites with slopes that exceed 20%.

On November 12, 1993, the City of Hayward Planning Commission approved Parcel Map No. 5842, subdividing an approximately 0.89-acre site into two separate parcels. Parcel 1 (approximately 8,686 square feet) was developed at that time with a two-story single-family home. Parcel 2 (approximately 30,088 square foot) is vacant and the subject of this application. The Parcel Map 5842 approval contained conditions of approval (Attachment VI) related to the subject parcel requiring City Council approval of a grading permit/plan as well as Site Plan Review for any future home to be located on Parcel 2. In addition, a large conservation easement was recorded (Open Space and Conservation Easement 93-276695) on the northwestern portion of the site, thereby precluding future development on that portion of the subject site.

Planning Commission: On September 15, 2016, the [Planning Commission](#) held a public hearing and voted 5:0:0, with two Commissioners absent, to recommend approval of the project to the City Council. The Commission asked a clarifying question about property ownership at the time of Parcel Map approval and commented positively about the proposed design. There were no members of the public present at the public hearing.

## DISCUSSION

Existing Conditions: The roughly rectangular subject parcel is located at the terminus of Dryden Court, north of Dobbel Avenue in the eastern hillsides. The site is vacant and covered in grassland and clusters of overgrown shrubs or small trees at the northern and mid-points of the lot. The site slopes uphill from Dryden Court at gradients that range between 20% to over 30%. Surrounding development includes single-family homes to the north, south and east of the project site along Dryden Court and a large, steeply sloped vacant parcel west of the project site.

Zoning/General Plan: The site has a Suburban Residential Density (SDR) General Plan land use designation, which is intended to require larger lots in the rural and suburban areas of Hayward’s eastern hills. The site is zoned Single-family Residential (RS) District with Special Lot Standards Combining District (B6). The proposed project conforms to the minimum development standards for the RSB6 District as illustrated in Table 1 below.

<b>Table 1. Zoning/General Plan Project Consistency Matrix.</b>			
	<b>Min/Max Required</b>	<b>Proposed</b>	<b>Consistent</b>
Lot Size	6,000 sq. ft.	30,400 square feet (approx.)	Yes
Front Yard Setback	20 feet	92 feet at closest point (approx.)	Yes
Side Yard Setbacks	10 feet	30 feet at closest point (approx.)	Yes
Rear Yard Setbacks	20 feet	45 feet at closest point (approx.)	Yes

Lot Coverage	40%	8.5%	Yes
Height	30 feet	Varying stepped levels; 26 feet tall at tallest point from nearest grade.	Yes
Parking	Two car garage plus space for a third car off-site	Two car garage and approximately 110-foot long driveway for off-street parking.	Yes

Project Description: The proposed project consists of Site Plan Review for a new, approximately 4,400 square foot single-family home and related site grading on an existing 30,400 square foot vacant lot located in an established single-family hillside neighborhood.

The proposed home would be accessed from an approximately 110-foot long, 20-foot wide driveway from Dryden Court. The lower portion of the driveway at the roadway is shared with the parcel/home located immediately south of the project site. There is an existing Maintenance and Reciprocal Easement Agreement between the properties to allow for shared access. The proposed curving driveway would slope 10 to 25% uphill to the garage.

As shown in Attachment III, the proposed home would be split into three levels in a stepped configuration to match the topography of the hillside in conformance with the City’s Hillside Design Guidelines. Each level would range in height between eleven feet and twenty-six feet above grade. The lowest level of the home would have an oversized two-car garage and storage; the second level of the home would have the main entrance, kitchen, living and family rooms, deck over the garage and a bedroom/bathroom; and the third level would have a loft and three additional bedrooms. Elevations have projecting building elements and planes; varying rooflines; a belly band; and a variety of arching and rectangular windows on all elevations to break up the massing of the home. Building materials would include painted stucco, a ceramic tile roof, stairwell and deck railings. Retaining walls would be incorporated into the building structure and would have stone veneer surfacing to minimize their visual impact.

Grading Permit. The purpose of a grading permit is to ensure the protection of natural and man-made environmental features during the course of grading and clearing activities related to a development.

The applicant submitted a Grading Permit with supporting Civil Plans on May 23, 2016 (Attachment IV). Staff believes that the proposed grading plans in conjunction with the architectural plans contain adequate information to allow the Council to review and approve the proposed development. According to Section A-A and B-B on Sheet 9 of the Architectural Plans (Attachment III), the proposed home will have below-grade foundations and retaining walls ranging from eight to ten feet in height which will not be visible due to the fact that the home will be nestled into the hillside. Thus, the proposed development is suitable to the site

and designed in a manner to minimize the visual impact of the home to the hillside. Further, the accompanying [Geotechnical Report](#) contains specific recommendations to ensure the stability of the slope and the integrity of the structure.

Details of the grading permit plans are still under review by Public Works - Engineering staff, and this is expected to be completed within the next several weeks. Following review and approval of the grading permit, Public Works – Engineering staff may develop additional conditions of approval for the grading permit in addition to the proposed conditions of approval set forth in Attachment II. Proposed conditions of approval include incorporation of all Geotechnical Report recommendations, including that the proposed foundations reach hard bedrock; submittal of an erosion control plan; provision of standards for import, export and containment of materials; and limitations on days and hours of grading work among others to minimize the impacts of grading on the surrounding community.

Environmental Review: An Initial Study evaluating the potential environmental impacts of this project was prepared in accordance with the California Environmental Quality Act (CEQA). The Initial Study found that the proposed project would result in potential impacts related to Geology/Soils and Mandatory Findings of Significance (Attachment V). Specifically, the Geotechnical Report contained specific recommendations that would be required to be included in all future Grading Permit and Building Permit submittals.

A Notice of Intent to Adopt a Negative Declaration (NOI) was filed with the Alameda County Clerk on August 26, 2016 for the requisite twenty-day public review. On the same date, the NOI and the Initial Study were posted at City Hall, on the City’s website and delivered to the Hayward libraries. In addition, copies of the NOI were sent to interested parties and property owners within 300 feet of the project site.

The public comment period for the proposed Negative Declaration and Initial Study ended on September 15, 2016. During the comment period, City staff received one comment inquiring whether staff included analysis related to an underground spring on the project site. Staff requested additional source materials related to the claim because there is no evidence in City records, the project materials or supporting studies indicating the presence of an underground stream on the project site. As of the publication of this staff report, staff has not received any additional information related to this claim.

## **ECONOMIC IMPACT**

The proposed development would result in development of a currently vacant lot in an existing single-family residential neighborhood. The proposed development would not result in need for expansion of utilities or services and is not expected to have a negative economic impact on the City with regard to utilities or services.

## **FISCAL IMPACT**

According to the City of Hayward Fiscal Impact Model (2014) prepared by Applied Development Economics, Inc., the project would generate an estimated \$2,255 in annual

revenue and approximately \$2,184 in annual costs related to City services resulting in a net positive impact of approximately \$70 per year.

### **SUSTAINABILITY FEATURES**

The proposed single-family development will meet the minimum applicable Building Code requirements in the areas of Energy: Electricity/Natural Gas/Other Fossil Fuels; Water: Efficiency and Conservation; Air: Air Emissions of Pollutants; Solid Waste: Waste Diversion and Reduction; and, Transportation: Consistent with the City's Complete Streets Policy.

### **PUBLIC CONTACT**

On March 2, 2016, initial notices of the proposed project were sent to sixty-three property owners and residents within a 300-foot radius of the project site, as well as interested parties in the neighborhood. Following the initial notice, a neighbor north of the project site inquired about impacts to views and was provided a view study showing that there would be no impact on views from the north of the project site.

On September 16, 2016, a notice related to the release of the Initial Study, MND and this public hearing were published in the East Bay Times, sent to all property owners and residents within a 300-foot radius of the project site, to all interested parties, and was posted on the City's website.

### **NEXT STEPS**

Assuming the City Council approves the project, the applicant will finalize the grading permit and submit building permits for the proposed project.

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*Recommended by:* David Rizk, AICP, Development Services Director

Approved by:



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Kelly McAdoo, City Manager