

CITY OF HAYWARD
PLANNING DIVISION
APPLICATION NO. 201705626
SITE PLAN AND VARIANCE REVIEW FINDINGS
2398 RAINBOW COURT
APN 425-0410-031-00

Proposed Single-Family Residence on a Vacant 0.13-Acre Hillside Lot Located at 2398 Rainbow Court, Requiring Site Plan Review and Grading Permit and Variance Application No. PL 201705626; and the Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Siddiq Miakhail (Applicant)

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 single-family residence is compatible and consistent with other single-family dwellings in the vicinity and would be designed to be an attractive addition to the City. The proposed two-story, “Eichler-type” contemporary home will incorporate a flat roof and be constructed using metal-framing and finished in a combination of stucco and aluminum panels (light and dark gray colors) with decorative stone veneer elements on the side and front façades. The trim elements and the garage door will be painted in a dark gray color to match the façade color. The proposed home will be built to a maximum height of 28 feet, 3 inches and will comply with the height restriction of the previously approved Tentative Map.

The architecture design of the home and choice of building materials and colors will provide a smooth visual transition between the proposed two-story home and the natural surroundings. The proposed project reduces the building bulk and mass by adding significant window detailing, a mixture of materials (stucco and stone veneer) and neutral color palette to the building design.

B. The development takes into consideration physical and environmental constraints

The development of the proposed single-family residence takes into consideration the physical and environmental constraints in that it’s designed to blend into the existing slope. 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. The proposed home has incorporated well-articulated front and street side elevations with well-proportioned windows, a flat roof and a variety of textures. Additionally, the proposed retaining walls are going to be buffered by new landscaping, which will also minimize bulk and mass from the street and adjacent properties.

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. The applicant proposes a new landscape plan for the site consisting of shrub, flowering, and ground cover plantings and will plant ten trees as mitigation measures for the removal of one Coast Live Oak tree.

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 HMC 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 proposed single-family residence will include both on- and off-site improvements. On-site improvements will include the installation of drought-tolerant landscaping, erosion control measures, storm drains, utility

undergrounding, and shall incorporate Best Management Practices (BMPs) to construction noise, grading and construction activities to prevent adverse negative impacts onto adjacent properties. Other site improvements would include a new driveway, play and outdoor kitchen areas, SPA, concrete step pads for walkways, stairs, landscaped planters, and retaining walls.

VARIANCE FINDINGS

The project requires the issuance of a Variance for a proposed home to encroach 5 feet into the required 20 feet setback. Per Section 10-1.3325 of the HMC, the City Council may approve or conditionally approve a Variance application when all the following findings are made:

E. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints.

The development is constrained by the size, shape, and topography of the lot. The property is located on an irregular shaped, corner lot with a 26 percent slope. Most of the properties around the area have rectangular lot shapes with a lot depth of 80 feet. The northeast section of the lot has a depth of 56 feet. Based on the project review, there are special circumstances applicable to this parcel that create a unique hardship related to the size, shape and topography of this lot.

F. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification.

The strict application of the Zoning Ordinance would deprive the subject property of a privilege enjoyed by other similar properties in the District because the property has a depth of only 56-feet at the northeast corner of the site, where an 80-foot depth is required per the RS zoning district. The proposal is located on a site with a 26 percent slope and the home was designed to blend in with the existing slope. While a home of similar design could be built, it would present significant design challenges that would result in unsatisfactory and usable interior living spaces, as well as create an extraordinary exterior design, which would be inconsistent with similar two-story homes in the area.

G. The Variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

The granting of this Variance would not constitute a grant of a special privilege inconsistent with the limitations of other properties in the vicinity as the variance would allow the applicant to develop a 2,672 square-foot, two-story home, which is consistent and compatible with the size of other single-family homes in the RS,

single-family district that do not have a unique hardship related to size, shape and topography.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- H.** The proposed project required the preparation of an Initial Study, which evaluated the potential environmental impacts of this project in accordance with the California Environmental Quality Act (CEQA) Guidelines. The Initial Study determined that the proposed project could result in potential impacts related to Geology and Soils because of new construction on a project site but those impacts could be reduced to a level of less than significant with mitigation.

- I.** A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was filed with the Alameda County Clerk on March 2, 2018 for the twenty (20) day public comment period, which expired on March 20, 2018. The proposed MND and Mitigation Monitoring and Reporting Program were posted and available for public review at City Hall, on the City's website, and delivered to the Hayward libraries.