

**CITY OF HAYWARD PLANNING DIVISION
SITE PLAN REVIEW APPLICATION NO. 201505614
26446 PARKSIDE DRIVE, APN: 425-0430-005-00**

**DRAFT FINDINGS FOR APPROVAL
May 25, 2017**

Section 1. Background

1. Richard Janzen (Applicant) filed an application with the Planning Division, Development Services Department requesting Site Plan Review (SPR) approval to construct a new single-family residence on a vacant hillside property, located at 26446 Parkside Drive, APN: 425-0430-005-00
2. The project site is located within the Residential Natural Preservation (RNP) Zoning District and is designated Suburban Density Residential (SDR) in the *Hayward 2040 General Plan*.
3. Pursuant to Section 10-1.3005 of the Hayward Municipal Code (HMC), Site Plan Review is aimed at fostering development and the establishment of uses which take into account on-site and surrounding structures and uses, which contributes to an attractive City, physical and environmental constraints and traffic circulation, so that new development is accomplished in an orderly manner, complies with the intent of City development policies and regulations, and is operated in a manner determined to be acceptable and compatible with surrounding development. The proposed new single-family dwelling is located on a hillside lot in an existing residential neighborhood, subject to the City's Site Plan Review process.
4. Pursuant to Section 10-8.23 of the HMC, if the average slope for the site is greater than 20 percent, the grading/clearing permit application shall be referred to the City Council for disposition. Since the project is proposed on an existing vacant hillside property with an average slope greater than 20%, the application is subject to review and approval of the City Council.

Section 2. Findings for Approval

SITE PLAN REVIEW

Pursuant to Section 10-1.300 of the Hayward Municipal Code, the approving authority may approve or conditionally approve a Site Plan Review 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 of the single-family residence at the above-referenced location is compatible and consistent with the hillside development regulations, including on-site and adjacent structures and residential uses. The

project site is located near a primarily Single-Family Residential (RS) and within RNP zoning district where numerous single-family residences currently exist with similar architectural characteristics and styles.

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 and is designed to step with the slope of the site. The development will 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 mature, protected trees. The applicant has incorporated mitigation measures such as five 24" and 48" box Live Oaks, twelve Dwarf Strawberry Trees, four fruit trees, and the installation of permeable pavers along the driveway and entry equal or more than the appraised value of the existing fourteen trees identified for removal. The project has developed a Tree Preservation Plan which identifies which trees shall be preserved and protected during construction and grading activities, which will assist in maintaining the consistent tree canopy feature along the frontage (Parkside Drive) of the subject site.

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. The proposed architectural design of the single-family residence is consistent with the City's Hillside Design and Urban/Wildlife Interface Guidelines as it requires structures to be designed and constructed to step along the slope of the hillside to avoid excessive grading and flattening of the hillsides and natural terrain. In addition, the development consistent with the following goal relating 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.

Land Use Goal LU-7: Preserve the rural and natural character of hillside development areas.

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 pattern and character of the existing homes. In addition, the proposed development will comply with the recorded Conservation Easement limiting development of the residence to the first 120-feet (approximately 400-feet total in lot depth) of the property, thereby maintaining a compatible development with the natural terrain and preserve such as the hillside terrain, vegetation, and Ward Creek along the northern property line.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- E. 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 less than significant level with the mitigation.
- F. A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was filed with the Alameda County Clerk on April 21, 2017 for the twenty-one (20) day public comment period, which expired on May 11, 2017. 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.