



**DATE:** June 20, 2017

**TO:** Mayor and City Council

**FROM:** Director of Development Services

**SUBJECT** Adoption of a Resolution Associated with a Proposed Single-Family Residence on a Vacant 0.87-Acre Hillside Lot Located at 26446 Parkside Drive, Requiring Site Plan Review and Grading Permit Approval, Application No. 201505614; and the Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Richard Janzen (Applicant) on behalf of Neng Zhang (Property Owner)

## **RECOMMENDATION**

That the City Council adopts the attached Resolution (Attachment II), conditionally approving the Site Plan Review and Grading Permit application for the proposed single-family residence, and adopting the related Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the proposed development.

## **SUMMARY**

The applicant is requesting approval of Site Plan Review (SPR) and a Grading Permit to construct a 4,410 square-foot, single-family residence with related on- and off-site improvements on a 0.87-acre (38,000 square-feet) vacant hillside parcel located at 26446 Parkside Drive (APN 425-0430-005-00).

Normally, SPR applications for single-family residences within the hillside areas are subject to administrative staff level review. However, the City Engineer determined the average slope of the property exceeds 20%, which requires City Council review of the Grading Permit per Section 10-8.23 of the Hayward Municipal Code (HMC). Since the HMC does not allow staff to refer a SPR application to City Council without Planning Commission review, staff determined that both applications require Planning Commission and City Council review. The Planning Commission has recommended approval of the proposed project, as does City staff, given the project is well-designed and sensitive to the property's steep slopes and existing environment, subject to the findings and conditions indicated in the attached resolution.

An Initial Study was prepared and concluded that the project could be built with mitigation measures that would reduce potential environmental impacts to a level of less-than-significant.

## **BACKGROUND**

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](#). The proposed development is located on a 38,000 square-foot lot that slopes downward from Parkside Drive (along the southern property line) to Ward Creek at the rear of the property, which is maintained by the Alameda County Public Works Agency (ACPWA). The project site is surrounded by other single-family residential uses to the east, west, and south, which are consistent with the proposed development.

In 2007, a Conservation Easement (Instrument No. 20000003715) was recorded on the property, which restricts development to the front one-third of the property, approximately 120-feet in depth from the front property line. This conservation easement protects the existing natural terrain along the northern portion of the lot from development, consistent with the intent of the RNP zoning district. As proposed, the development will not impact the existing conservation easement and will allow for the continued preservation of major natural features within that easement area, including retention of the existing trees, hillside terrain, and creek.

*Planning Commission Review.* On May 25, 2017, the Planning Commission held a public hearing and voted 7:0:0, to recommend approval of the project to the City Council (see draft minutes, Attachment III). There were no members of the public present at the public hearing.

## **DISCUSSION AND STAFF ANALYSIS**

### *Policy Context and Regulations*

[Hayward 2040 General Plan](#) - The project site is designated SDR in the *Hayward 2040 General Plan*. 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 *Hayward 2040 General Plan* also provides goals and policies that serve as guiding principles and provide a host of strategies intended to implement a high-level visual 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.
- Land Use Goal LU-7: Preserve the rural and natural character of hillside development areas.

The proposed project is consistent with the goals and policies by architecturally incorporating a design for the single-family residence that is consistent with the Hillside and Urban/Wildlife Design Guidelines and is compatible with the scale of the established single-family neighborhood, and preserves the existing trees on-site to the greatest extent feasible.

Zoning Ordinance - The proposed project is zoned RNP, Residential Natural Preservation district. Pursuant to Section 10-1.300 of the HMC, the purpose of the RNP district is to allow for development of an area where topographic configurations (hillsides) is a major consideration in determining the most appropriate development. Detached single-family dwellings are permitted by-right in the RNP zoning district, provided the development is subservient to and compatible with the preservation of the major natural features of the land and compliant with the development standards of the district. Therefore, the development of a single-family residence is consistent with the underlying zoning district and applicable development standards, including the Tree Preservation Ordinance and Grading Permit requirement, which were discussed previously in the report.

Project Overview. The project includes a new, split-level 4,410 square-foot, single-family residence and related site improvements on an existing 0.87-acre lot, located in an established single-family neighborhood. The proposed residence will be accessed from Parkside Drive with a circular driveway allowing for additional parking to be located on-site, in addition to the proposed two-car garage.

Planning staff has reviewed the project plans and finds that the proposed single-family home is compatible with the adjacent single-family neighborhood and is in compliance with the development standards set forth in Hayward Municipal Code. The development incorporates a common feature from the adjacent residences (on the northern side of Parkside Drive) to have a garage frontage facing the street while the remainder of the structure continues in a stepped fashion down along the hillside slope.

Architectural Design - The single-family residence will be wood-framed construction, with a 4:12 roof pitch and blended lightweight concrete roof tiles. The proposed color and materials of the structure complements the existing natural rural aesthetic of the established residential neighborhood. Also, the residence proposes light

and dark shades of green as the primary color on the cement plaster wall finish and fascia boards, contrasted with darker brown trims and colors for the wood clad windows, entry door, and garage door to capture the natural colors between existing vegetation and terrain of the hillside area.

The proposed residence, as shown, conforms to the City's Hillside Design and Urban/Wildlife Interface Guidelines in that the proposed development architecturally steps with the existing hillside and natural terrain to minimize grading. The proposed architecturally stepping of the structure also reduces the mass and scale of the residence, which allows it to further blend into the natural terrain and scale of the neighborhood. The residence will be split into three-levels (two levels dedicated for living area) along the hillside ranging between eleven (11) feet above grade closest to Parkside Drive to twenty-nine (29) feet above grade furthest from the street, to maintain a single-story appearance from the public right-of-way, compatible with the surrounding neighborhood

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) related to construction noise, grading and construction activities to prevent adverse negative impacts on adjacent properties. The applicant will be required to obtain design approval for all necessary off-site public improvements along the Parkside Drive frontage, including curb and gutter, reconstruction of the entire street frontage along the property, installation of a new streetlight per City detail, and shall be required to enter into a public improvement agreement with the City to secure the construction of public improvements.

Tree Removals and Preservation - The applicant has submitted a landscaping and irrigation plan (Attachment IV) along with an Arborist Report that identifies all the trees proposed for preservation and removal. Currently, the site contains a variety of mature trees including Coast Live Oaks, Buckeye, Plum, California Bay and Blackwood Acacia.

Per Chapter 10, Article 15 of the HMC, the intent of the City's Tree Preservation Ordinance is to protect and preserve significant trees and control the re-shaping, removal or relocation of those trees that provide benefits for the neighborhood or the entire community while recognizing that there are rights to develop private property. As proposed, the project will require the removal of fourteen trees on the project site. Of those fourteen trees, seven are rated "low" for preservation and a majority of trees are located in the center of the parcel and within the proposed building footprint. As a result, preservation of these trees is not a viable option, given the location of the trees and the limited buildable area on the site due to the Conservation Easement. The Tree Preservation Ordinance states that "all removed or disfigured trees shall require replacement with like-size, like-kind trees or an equal value tree or trees as determined by the City's Landscape Architect." Per the Arborist Report, the value of the trees proposed for removal is \$29,600. To mitigate the loss of these trees, the

applicant proposes to add new permeable pavers and plant five 24" and 48" box Live Oaks, 12 Dwarf Strawberry Trees, and 4 other fruit trees for a total mitigation cost of \$47,170. In addition, several existing Live Oak trees, located along Parkside Drive, will be preserved to maintain a consistent tree canopy along the street frontage and help reduce the visual impact of the new dwelling.

Site Grading - As mentioned above, the project is subject to City Council review for the proposed grading since the average slope of the site exceeds 20%. The applicant has submitted preliminary civil plans (grading, drainage, and utility) for the project that was reviewed by the City's Engineering Division. The plans identify a stepped design along the existing natural hillside consistent with the City's Hillside Design and Urban/Wildlife Interface Guidelines to minimize excessive grading and preserve the natural terrain of the property. In addition, the applicant has submitted a Geotechnical Report by Henry Justiniano & Associates, providing recommendations and mitigation measures that reduce any environmental impacts to a level of less-than-significant. Additionally, a standard set of conditions will include the review and approval of an erosion control plan; standards for import, export, and containment of construction materials; and a limitation on the days and hours of grading activity to minimize impacts on the surrounding neighborhood.

Site Plan Review Findings. The attached resolution (Attachment II) contains findings required to be made to approve the Site Plan Review application, as well as recommended conditions of approval. Those findings relate to the project being compatible with surrounding single-family development and minimizing impacts to the site, including retention of trees.

Environmental Review. 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 (Attachment V) found that the proposed project would result in potential impacts related to Geology and Soils because the new construction on a project site could be susceptible to strong ground shaking or unstable soils created by planned cuts and fills on the hillside property. Mitigation Measure GEO-1 (Attachment VI, Mitigation Monitoring and Reporting Program) requires that the applicant incorporate all recommendations set forth in the Geotechnical Report (Attachment VII) to reduce the potential environmental impacts to a less-than-significant level. If the project is approved, the proposed mitigation measures will be incorporated into the application and construction level drawings to be reviewed and verified by the City prior to the issuance of building permits.

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 (20) day public comment period, which expired on May 11, 2017, with no correspondence received. 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.

## **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 systems 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 \$2,442 in annual revenue and approximately \$2,377 in annual costs related to City services resulting in essentially a net annual neutral impact.

## **SUSTAINABILITY FEATURES**

The project will meet all applicable 2016 Building, including Green Building Code standards, which require a minimal level of energy efficiency, conservation, material recycling, and air quality for new construction. The landscaping and irrigation for the project will be compliant with Bay-Friendly Water Efficient Landscape Ordinance, which requires drought tolerant planting with water-efficient irrigation systems. In addition, the project will be “EV charger ready,” which provides the capability of electrical vehicle charging within the garage.

## **PUBLIC OUTREACH**

On December 16, 2015, 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 the Old Highland Homeowners Association and Hayward Area Planning Association (HAPA).

Staff received one public comment from the Old Highlands Homeowners Association (OHHA) stating concerns about street conditions, and plans for access, off haul, parking, maintenance/repair of streets during construction. Prior to staff receiving that comment, a standard condition of approval was included that the applicant be required to install new rolled curb and cutter and reconstruct half of the street width with six-inch hot mix asphalt along the frontage of the project site. In addition, the applicant shall be required to submit a work schedule to the City’s Engineering Division for the proposed grading schedule and construction of public improvements prior to issuance of permits.

On June 9, 2017, a Notice of Public Hearing was sent to all property owners and tenants located within a 300-foot radius of the project site, published in *The Daily Review*, and was posted on the City’s website. As of writing of this report, City staff had not received any responses to those notices.

## **NEXT STEPS**

Assuming the City Council approves the project, the applicant will finalize the grading permit and submit building permit applications for the proposed project, and will initiate construction once permits are issued, incorporating the project conditions of approval.

*Prepared by:* Marcus Martinez, Assistant Planner

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

Approved by:



---

Kelly McAdoo, City Manager