



SUBJECT

Proposed Single-Family Residence on a Vacant 0.32-Acre Hillside Lot Located at 2366 Rainbow Court, by Joyce and Robert Steinfeld (Applicant/Property Owners), Requiring Approval of a Site Plan Review and Grading Permit and the Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Application No. 201804682).

RECOMMENDATION

That the Planning Commission recommend to City Council the adoption of a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) and approval of the Site Plan Review with Grading Permit, for the proposed single-family residence on a vacant hillside lot, located at 2366 Rainbow Court, based on the required Findings (Attachment II) and subject to the Conditions of Approval (Attachment III).

SUMMARY

The applicant is requesting approval for a Site Plan Review (SPR) with Grading Permit application to allow the construction of a two-story, 2,700 square-foot single-family residence with related on- and off-site improvements on a 0.32-acre (14,195 square-feet) vacant hillside parcel located at 2366 Rainbow Court (Assessor Parcel No. 425-0410-027-00).

Normally, Site Plan Review 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 for the Grading Permit per Section 10-8.023 of the Hayward Municipal Code ¹(HMC). Since the HMC does not allow staff to refer a SPR application directly to City Council without Planning Commission review, staff determined that the applications require Planning Commission review and City Council consideration.

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

BACKGROUND

The project site is located within the Single Family Residential (RS) zoning district and is designated Suburban Density Residential (SDR) in the *Hayward 2040 General Plan*. The proposed development is located on a vacant 14,195 square-foot lot that slopes downward from Rainbow Court.

In 1978, Tract No. 3992 was recorded formally subdividing the land into ten individual residential lots creating the Rainbow Court cul-de-sac – accessible from Parkside Drive, a one-way street. Of the ten lots, three are currently developed with single-family dwellings

¹ Grading and Clearing Ordinance, Chapter 10 Article 8:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART8GRCL_S10-8.23ISDEPE

and remaining seven lots remain vacant. This proposed project and application seeks to entitle one of the remaining vacant lots located at the terminus of Rainbow Court to construct a new single-family dwelling.

Public Outreach. On September 11, 2018, 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 interested stakeholder groups such as Old Highland Homeowners Association (OHHA), Highland Neighborhood Task Force, and the Hayward Area Planning Association.

On February 22, 2019, a Notice of Public Hearing and Notice of Intent to Adopt a Mitigated Negative Declaration was advertised in the newspaper and sent to all property owners, relevant stakeholders, and site addresses within 300-feet of the subject property indicating the public comment period from February 22, 2019 until March 14, 2019 at 5 p.m. As of the date this staff report, Planning Division staff has received no comments with respect to the proposed project nor the environmental document.

PROJECT DESCRIPTION

Existing Conditions. The 0.32-acre project site is a vacant, unimproved parcel of land located at the terminus of Rainbow Court. The Topographic Survey identifies an approximate 12-foot drop from the concrete sidewalk at street-level down to the existing tree line and vegetation on-site. Also, the project site is located approximately 300-feet from Ward Creek from the edge of the rear (northern) property line; however, the subject parcel does not immediately abut or share property lines with the creek.

Currently, the Rainbow Court cul-de-sac contains a mixture of existing two- and three-story single-family residences as well as several vacant parcels - all zoned as RS for single-family residential use. Off-site infrastructure such as roads, sidewalks, curb, and gutter have previously been installed on Rainbow Court and utilities are available within the public right-of-way pending connections with any future developments. Within the past two years, the City Council and Planning Division staff have approved applications for additional new single-family residences to be constructed upon 2398, 2383 and 2367 Rainbow Court increasing development activity on Rainbow Court on the previously vacant parcels. Thus, the proposed project will be located within an already established residential neighborhood consistent with the nearby structures and land uses.

Proposed Project. The applicant is proposing to construct a new, two-story 2,700 square foot, single-family residence containing 4 bedrooms, 4 bathrooms, and an attached two-car garage. The property currently obtains access from Rainbow Court and the proposed residence and two-car garage will utilize the existing driveway approach located at the terminus of the Rainbow Court cul-de-sac. The main-level (street level) of the residence will include a living room, dining room (nook), kitchen, laundry room, and the two-car garage, while the upper-level will include bedrooms, bathrooms, and the master bedroom. In addition, the project has included a deck along the rear of living room on the main level to serve as a private open space feature for the residence. The deck will offer views of California State University, East Bay, the Bay Area, and the preserved vegetation and trees along the downward slope toward Ward Creek.

The proposed two-story, traditionally designed residence will incorporate 5:12 and 11:12 pitched gables roofs. The proposed residence would use wood-framed construction and the exterior will be finished with cement fiber lap siding with composition shingle roofing. A copy of the project plans with architectural elevations are included as Attachment IV.

Site Improvements. The proposed single-family residence will require on-site improvements to the subject property prior to the issuance of a Certificate of Occupancy. On-site improvements will include the installation of drought-tolerant landscaping, erosion control measures (during construction), and 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.

Landscaping and Tree Removals. The applicant has submitted a landscaping and irrigation plan (Attachment IV). The landscape and irrigation plans include conceptual level drawings that demonstrate compliance with the Bay-Friendly Water Efficient Landscape Ordinance (WELO) which requires sustainable landscaping practices by using drought-tolerant native species, appropriate irrigation methods, and water budget calculations. Much of the landscaping proposed on site will be near the proposed residence and include new tree planting, shrubs, perennials, and ferns. A new pathway with steps from Rainbow Court to the dwelling entrance will extend downward along the hillside to a grassy area to serve as an open space amenity for the house.

The landscape and irrigation plans identify several existing Live Oak and Bay trees which are proposed for preservation, and no existing trees are proposed for removal. A Condition of Approval has been added to the project to ensure the preservation of such trees during the construction of the new single-family residence at the project site pursuant to Chapter 10, Article 15 (Tree Preservation Ordinance)² of the HMC. If the mature and existing trees are inadvertently removed or damaged during construction and/or grading activities, the Ordinance requires on-site planting of trees with like-size, like-kind trees to meet or exceed the appraised value of the protected tree(s) as determined by a certified Arborist to be reviewed by the City Landscape Architect. The landscaping and irrigation plans would be reviewed in greater detail during the building permit phase. Additionally, the City Landscape Architect will inspect the construction site to verify the trees are planted correctly with proper irrigation that will maximize the health of the trees.

Site Plan Review. Development on parcels within the designated Hillside Urban/Wildland Interface Area are subject to the Site Plan Review process and associated findings contained in Section 10-1.3025 of the Hayward Municipal Code³. This is to demonstrate that proposed developments, along with any site improvements, are consistent with the development standards of the RS zoning district, Hillside Design Guidelines, as well as the applicable General Plan goals and policies. Per the HMC, the City Council may approve or conditionally approve an application for Site Plan Review when all of the following findings are made:

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;
- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City development policies and regulations; and

² Tree Preservation Ordinance, Chapter 10, Article 15:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART15TRPR

³ Site Plan Review Findings, Chapter 10, Article 1:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1Z00R_S10-1.3000SIPLRE

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

Staff has provided a more detailed analysis for the required Site Plan Review findings for approval in Attachment II.

Grading Permit. 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, utility and erosion plans) for the project that was reviewed by the City's Engineering Division. The applicant has also submitted a Geotechnical Report prepared by Milstone Geotechnical (August 2018) providing recommendations and mitigation measures that reduce any environmental impacts to a level of *less than significant*. The report identifies that the primary geotechnical concerns are the presence of relatively weaker and potentially expansive-prone, near-surface soils and the potential for significant ground shaking by an earthquake from the nearby active San Andreas and Hayward fault systems. However, based on the findings of their investigation, the geotechnical engineers conclude that the property is suitable for the proposed site and landscape improvements provided the recommendation of the report are incorporated into the on-site construction and grading activities. 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.

SUSTAINABILITY FEATURES

The project has been designed to meet all applicable 2016 California Residential and Green Building Codes, which require a minimal level of energy efficiency, conservation, material recycling, and air quality, for new construction. In addition, the landscaping areas and irrigation system will be compliant with Bay Area-Friendly Water Efficient Landscape Ordinance, which requires the use of drought tolerant planting with water-efficient irrigation systems. Furthermore, the applicant will comply with ordinances related to construction debris and recycling to divert waste from landfills.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan. The project site is designated as Suburban Density Residential (SDR) in the *Hayward 2040 General Plan*⁴. 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 *General Plan* also provides goals and policies which serve as guiding principles and provide a host of strategies 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:

- LU 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.
- LU Policy LU-3.7 (Infill Developments): The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and features.

⁴ Suburban Density Residential, Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/land-use/residential>

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

Staff has reviewed the project components and finds that the development is consistent with the goals and policies of the City's General Plan and the Hillside and Urban/Wildlife Design Guidelines by proposing a residence which architecturally steps with the natural topography of the hillside and is compatible with the other dwellings in the area.

Zoning Ordinance. The project site is located within the RS (Single-Family Residential) zoning district. Pursuant to Section 10-1.200⁵, the RS zoning district allows for the development of a single-family residence as a primary use permitted by-right. The project, as proposed, would allow the construction of a new single-family dwelling, which meets the following objective development standards. Table 1 includes a comparison chart displaying the development standard requirements and the proposed.

Table 1: Development Standards

Criteria	Proposed	Required or Max. Allowed
Lot Coverage	13.3%	40%
Front Setback	40'	20'
Side Yard	6'-6" and 7'-0"	5'
Rear Yard	Greater than 60'	20'
Parking	Two-car garage	Two-car garage
Driveway Length	20'	20'
Height	27'	30'

Hillside and Urban Wildlife Interface Guidelines. The project is located on a hillside parcel that is subject to the design standards of the Hillside and Urban Wildlife Interface Guidelines⁶. The purpose of the Hillside and Urban Wildlife Interface Guidelines is to seek to identify elements of good design which will enhance the appearance of the city and make the neighborhood more livable, while being conscious of the natural topographies and slopes. The proposed residence has been designed to minimize impacts to the existing hillside and will be attractively designed to minimize visual impacts from adjacent properties and the street frontages, consistent with the Guidelines.

Strategic Initiatives. This project supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities Strategic Initiative is to create and support services and amenities that provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. The project supports the following goal and objective from the Complete Communities Initiative:

Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Objective 2: Facilitate the development of diverse housing types that serve the needs of all populations.

STAFF ANALYSIS

⁵ Single-Family Residential District, Chapter 10, Article 1:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200SIMIREDIRS

⁶ Hillside Design and Urban/Wildland Interface Guidelines: <https://www.hayward-ca.gov/sites/default/files/COH%20Hillside%20Design%20Urban-Wildland%20Interface%20Guidelines.pdf>

Staff finds that the proposed project is consistent with the development standards of the RS zoning district and the design requirements within the Hillside Design and Urban/Wildlife Interface Guidelines in that the proposed development is designed to minimize excessive grading and blend into the existing slope. The proposed residence has been designed to reduce bulk and mass and will incorporate significant window detailing, a mixture of materials (cement fiber lap siding and composition shingles) and with a neutral color palette. In addition, the proposed landscaping along the street frontage and along the side of the residence, coupled with the sloped topography of the site, will also help to soften the bulk and mass of the proposed building and minimize visual impacts from adjacent properties or from the public right-of-way. As such, staff believes that the Planning Commission can support the draft findings and recommend project approval to the City Council.

ENVIRONMENTAL REVIEW

The 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 requires that the applicant incorporate all recommendations set forth in the Geotechnical Report (Attachment V) to reduce the potential environmental impacts to a less than significant level.

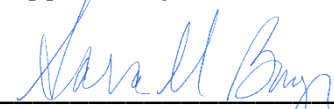
A Notice of Intent to Adopt the MND was filed with the Alameda County Clerk on February 22, 2019 for a twenty (20) day public comment period, which expired on March 14, 2019 with no correspondence received. The proposed MND with Mitigation Monitoring and Reporting Program were posted and available for public review at City Hall, the City's website, and delivered to Hayward libraries. Section 15074 of the CEQA Guidelines states that an advisory body (Planning Commission) making a recommendation to the decision-making body (City Council) shall solely consider, rather than adopt, the MND before making its recommendation.

NEXT STEPS

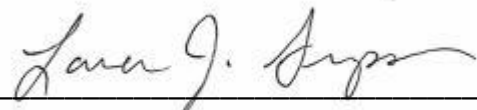
Following the Planning Commission recommendation, the City Council will review and consider the Site Plan Review with Grading Permit application and the MND and MMRP at a regularly scheduled meeting. If the City Council approves the project, the decision will be final.

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Approved by:



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