

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Councilmember \_\_\_\_\_

RESOLUTION APPROVING THE SITE PLAN REVIEW WITH GRADING PERMIT APPLICATION NO. 202002396 FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 2382 RAINBOW COURT

WHEREAS, on June 30, 2020, Ravi Jonnadula, H & SM Ventures (Applicant/Property Owners) submitted Application No. 202002396, requesting a Site Plan Review with Grading Permit approval to construct a new single-family residence on a 0.12-acre Hillside vacant lot located at 2382 Rainbow Court, Assessor Parcel Number 425-0410-0.29-00; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on February 11, 2021, and recommended that the City Council approve the Site Plan Review with Grading Permit application; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on March 2, 2021.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds and determines as follows:

SITE PLAN REVIEW

Per Section 10-1.3025 of the Hayward Municipal Code, the City Council 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 development will be compatible with on-site and surrounding structures and uses in that the project site is located in the established residential neighborhood of the Old Highland area, where all properties are in the Single-Family Residential (RS) zoning district subject to the same development standards (i.e., setbacks, height, and lot coverage), design guidelines, and performance standards.

**B. The development takes into consideration physical and environmental constraints;**

The proposed single-family residence takes into consideration the physical and environmental constraints in that it is designed to be constructed along the existing

slope and natural topography. The proposed architectural design of the single-family residence is consistent with the City's Hillside Design and Urban/Wildland Interface Guidelines. The Hillside and Urban/Wildland Interface Guidelines requires that new buildings within the development exhibit varied elevations, floor plans, setbacks, and a quality architecture to enhance the hillside setting. Most notably, the Hillside Design Guidelines requires that developments exhibit a stepped architecture along the slope to minimize excessive grading and unnecessary cuts into hillside. The proposed residence has incorporated well-articulated street-facing elevations with well-proportioned windows and a variety of textures.

**C. The development complies with the intent of the City polices 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/Wildland 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.

H-3.1 Diversity of Housing Types: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

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.

**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 Hayward Municipal Code 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 project will incorporate both on- and off-site improvements. On-site improvements will include the installation of drought- tolerant landscaping, erosion control measures, stormwater management features, and shall incorporate Best Management Practices (BMP) 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, landscaping, and retaining walls.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed development is deemed categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303(a), Class 3 of the CEQA Guidelines as the project involves the construction of one (1) single-family residence on a legal parcel in a residential zone. Although the project will involve grading on a parcel with a slope greater than 10-percent, the project site is not located within an officially mapped area of severe geological hazard such as the Alquist-Priolo Earthquake Fault Zone area. Therefore, no additional environmental analysis required.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby approves Site Plan Review with Grading Permit Application No. 202002396, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**CITY OF HAYWARD  
SITE PLAN REVIEW AND GRADING PERMIT  
APPLICATION NO. 202002396  
CONDITIONS OF APPROVAL  
2382 RAINBOW COURT**

**GENERAL**

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Site Plan is approved subject to the revised Architectural plans received on 11/30/2020, respectively, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan and/ or design that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission.
3. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
4. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.
5. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.

7. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
8. The home is subject to the height restriction per recorded Tract Map 3992 which limits the height of the home to elevation 606 feet for buildings on Lots 7 through 10. The height of the home shall be surveyed prior to issuance of a Certificate of Occupancy to confirm that the elevation of the house is 606 feet or less prior to issuance of a Certificate of Occupancy. The Conditions of Approval shall be included on the building permit set and condition 7 shall be underlined and highlighted in bold lettering.
9. The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
10. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
11. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
12. The building colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit.
13. All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
14. In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines)
15. In accordance with Hayward Municipal Code (HMC) Section 10- 1. 3055, approval of this Site Plan Review is void 36 months after the effective date of approval unless:
  - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or

- b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.
16. The City requires that construction and demolition debris be recycled per certain ordinance requirements. Submittal of the Debris Recycling Statement is required at the time of your building permit. The form can also be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>. You may also visit Hayward's Green Halo webpage and create a waste management plan instead of filling in the Debris Recycling Statement. Residential Collection of Garbage, Recyclables, & Organics: Residents are required to place their garbage, recycling, and organics carts at the curb for weekly collection service by contracted service providers.
17. Trash, recycle, and organics containers shall be stored out of public view on non-pickup days.
18. All pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Development Services Director.

**BUILDING**

19. The project will require a building permit and the associated plan review process.
20. The project is subject to the City of Hayward's new Reach Code. This local ordinance seeks to limit carbon emissions by encouraging the use of all electric appliances, electric heat pump water heaters and heat pump HVAC units. To learn more about the specific requirements and exceptions, please visit the website here: <https://www.hayward-ca.gov/reach-code>

**ENGINEERING**

21. A geotechnical report evaluating the site for the proposed development shall be submitted to the City. The report shall be prepared by a California state licensed and qualified consultant based on soil tests. The report shall provide design criteria for site grading, earth retaining structures, foundations and stormwater pollution prevention.
22. The plans shall provide the proposed driveway grades in compliance with the Hayward City Standard Details SD-109.
23. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City.
24. Best Management Practices for stormwater pollution prevention shall be followed during construction. Mud or dirt on street pavement shall be removed before the end of each workday.
25. Stormwater Pollution Prevention: Stormwater pollution prevention measures, as per plans approved by the city engineer shall be in place before any ground disturbing activity.

26. Stormwater pollution prevention measures shall be upgraded and maintained as needed during construction.
27. All construction activities shall be completed per plans approved by the City, fees and charges shall be paid and permits shall be closed.
28. A Grading Permit shall be secured if the land disturbance outside the building footprint on slope exceeding 20% or total cut/fill quantity exceeds 300 Cubic yards or if land disturbance area exceeds 7,500 square feet (Hayward Municipal Code Section 10.8.10. The grading permit will require plans prepared by a state licensed civil engineer retained by the applicant and approved by the City Engineer.
29. A grading permit is required as per the Hayward Municipal Code 10-8.23(b) prior to the issuance of any building permit. The grading permit application shall include plans providing construction and design details for grading and improvements on-site and along its fronting street and related calculations prepared by or under the direction of the state licensed and qualified professionals for the following:
  - a. Provide details of existing and finished grades and slopes, cut and fill quantities, earth retaining structures and stormwater pollution prevention measures.
  - b. Provide details for preventing injury to lives, vegetation, improvements and structures on adjoining properties.
  - c. Provide details of surface and sub-surface drains, drain inlets and structures and other improvements for drainage collection, treatment and disposal to a public storm drain.
  - d. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.
  - e. The project's Stormwater Control Plan shall show drainage management areas, locations and details of all treatment control measures and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 Technical Design Guidance available on-line.
  - f. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria shall be used to design the storm drain system.
  - g. Existing unused driveway shall be replaced with a city standard sidewalk.
  - h. Multiple street pavement excavations shall be repaired with a single pavement patch and as per the City standard details.
30. Disturbed land areas shall be protected against erosion until ground is stabilized with effective ground cover/landscaping.
31. Street pavement, pavement markings, curb, gutter, sidewalks, driveway, signs, plants and other public improvements damaged during construction shall be

removed and replaced to match existing prior to issuance of the Final Construction Report by the City Engineer. Applicant is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.

32. Prior to issuance of a Certificate of Occupancy, all public and private improvements, including punch list items, must be complete prior to the issuance of a certificate of occupancy. Remove and replace damaged street improvements fronting the property and secure the Final Construction Report issued by the City Engineer.

**FIRE**

33. Proper building permits for the construction of the building shall be submitted to the COH Building Department.
34. Residential buildings are required to install a fire sprinkler system in accordance with NFPA 13D. *(Deferred Submittal thru HFD shall be designed by a licensed C16 contractor)*
35. Maximum 80 PSI water pressure design criteria shall be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
36. Underground fire service line serving NFPA 13D sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-216. Water meter shall be minimum one inch in diameter.
37. An audible alarm bell (device) shall be installed on the fire sprinkler system riser.
38. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
39. CO detectors shall be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
40. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup.
41. A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.
42. Materials and Construction Method for Exterior Wildfire Exposure – The building is located within the City of Hayward Wildland/Urban Interface Area, and shall meet the construction requirements as stated in the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, which includes Class A roofing materials and exterior non-combustible siding materials (stucco), double-pane windows. Wood shake or treated wood shake roofs shall not be



allowed. The building construction shall comply with the requirements contained in the California Residential Code Section R337.

**LANDSCAPING**

43. For a hillside development with a dedicated valve, a backflow prevention device in conformance with the City Standard Detail SD-202 shall be provided.
44. A master valve and a flow sensor shall be provided.
45. Pursuant to HMC Article 12 - Bay-Friendly Water Efficient Landscape Ordinance requires the following for single-family residential developments with usual yard: Section 10-12.14 requirement for installing basic "laundry to landscape" plumbing in each residence where usable private yard is available. Plumb-ready "laundry to landscape" system shall meet Plumbing Code and shall be addressed in the plumbing plan during building permit process.
46. Pursuant to HMC Section 10-12.15 Minimum one fifty (50) gallon lidded rainwater catchment device shall be located on the plan where it would be easily accessible to use.
47. Plant spacing shall not be closer the minimum spread provided in the reference books in the ordinance.
48. Tree shall be located a minimum of 5 feet from lateral service lines and driveways, a minimum of 15 feet from a light pole, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.
49. Trees shall not be planted too close to the neighboring property or the property fence and retaining wall where more than a half of the tree canopy will encroach into the neighboring property and tree trunk may damage the fence/retaining wall as the trees mature.
50. The irrigation plans shall include designation of landscape zones per water use (Hydrozone Map).
51. Shut-off valve shall be provided at point of connection before the irrigation submeter.
52. An irrigation detail for lateral line connection shall be provided where irrigation lateral line goes through the retaining wall at the southern side yard.
53. Each tree shall be irrigated with two tree bubblers on a separate valve. Flow rate of each bubbler device shall not exceed 0.25 gallon per minute.
54. Bio-treatment area, when wider than ten feet, shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system that allows "cycle and soaking" program function. When the treatment area width is less than ten feet, efficient irrigation system that meets the current ordinance requirements shall be provided. The irrigation for bio-retention area shall be provided on a separate valve.
55. Mulch shall be organic recycled chipped wood in the shade of Dark Brown color, unless steep slope would prevent from using chipped wood. Mulch size shall not

exceed 1-1/2-inch in diameter. For steep slopes, organic green waste, organic compost blanket or organic compost sock in combination of chipped wood mulch shall be considered.

56. Erosion control fabric, compost blanket or a combination of compost sock and erosion fabric shall be installed for slopes equal or steeper than three-to-one (3:1) but less than two-to-one (2:1). Geotechnical engineer shall provide erosion control measures for slopes exceeds two to one (2:1).
57. Pursuant to HMC Section 10-12.07 (4), a qualified soil testing laboratory shall complete a soil fertility test prior to amending the planting soil and shall provide recommendations for organic compost to bring the soil organic matter to a minimum of 5% by dry weight and incorporating organic fertilizers to recommended levels for planting area. The final testing results, recommendations and organic compost shall be submitted to the project landscape architect for review and approval and shall be submitted to City Landscape Architect prior to requesting the final landscape inspection with Appendix C Certification of Completion.
58. Plant fertilizer shall be organic as stated in the City's Bay-Friendly Water Efficient Landscape Ordinance: Section 10-12.06 (a) (1) (B) 7.

Prior to the Issuance of Building Permit

59. Detailed landscape and irrigation plans in full compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) prepared by a licensed landscape architect shall be submitted for review and approval. The plans shall be wet-stamped and wet-signed and shall include water budget calculations.
60. One fifteen-gallon tree shall be planted within the front yard setback area. The tree shall be planted minimum five feet from any underground utility lateral lines and from the edge of structure or paving.
61. Minimum fifty (50) gallon lidded rainwater catchment device per each single-family home shall be required as well as incorporation of onsite rain garden and porous paving are encouraged in accordance with Municipal Code Article 12, Section 10.12.15.
62. Erosion control fabric, compost blanket or a combination of compost sock and erosion fabric shall be installed for slopes equal or steeper than three-to-one (3:1) but less than two-to-one (2:1). Geotechnical engineer shall provide erosion control measures for slopes exceeds two to one (2:1).

Prior to Issuance of Certificate of Occupancy

63. All landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or

applicable parts shall be e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.

64. Pursuant to HMC Section 10-12.11: For new construction and rehabilitated landscape projects installed after December 1, 2015, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation controllers with application rate and soil.

### **UTILITIES**

65. Water and sewer service are available and subject to standard conditions and fees in effect at time of application and payment. All connections to existing water mains and modifications to existing water services (upsized, downsize, relocate, abandon, etc.) shall be performed by City crews at the owner's/applicant's expense.
66. Proposed Water Services. The proposed single-family house shall be served by a minimum 1" domestic water meter with combined domestic and fire services, per City of Hayward Standard Detail 216.
67. If the property will have more than 5,000 square feet of irrigated landscape, a separate irrigation water meter must be installed. Irrigation water meters must be protected by a reduced-pressure backflow prevention assembly, per SD-202.
68. Sewer Services. The applicant shall be assessed a new residential sanitary sewer connection fee.
69. The single-family house shall have separate sanitary sewer connections. If the lowest plumbing fixture in any building is below the rim elevation of the nearest upstream manhole or riser, a backflow prevention valve shall be installed on the sewer lateral. A backflow prevention device is required at the sewer lateral for this property, per City of Hayward Standard Detail 314 (SD-314).
70. Sanitary sewer backflow devices. If the lowest plumbing fixture in any building is below the rim elevation of the nearest upstream manhole or riser, a backflow prevention valve shall be installed on the sewer lateral. Sheet C-4 indicates that a backflow prevention device shall be installed at sewer lateral per SD-314.
71. Water mains and services, including the meters, shall be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
72. Water meters and services shall be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218.

73. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval. Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.