



## **SUBJECT**

Recommend Approval and Necessary Actions to Allow Construction of a New Single Family Home on a Site with Slopes that Exceed 20% at the Terminus of Dryden Court (Assessor's Parcel Number 081D-2086-064-00) for Bijan Mashaw (Applicant/Owner). Proposed Project Includes Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

## **SUMMARY**

Staff is supportive of the proposed project because it complies with the City's Hillside Design Guidelines and applicable Single Family Residential (RS) District standards as described in detail below and in the findings. In particular, the home is nestled into the hillside and the property contains a conservation easement that, along with the proposed home and grading, will minimize impacts to the steeply sloped site.

An Initial Study was prepared for the project due to the fact that grading would occur on slopes exceeding 10%. The initial study concluded that the proposed development would result in a less than significant impact on the environment if all recommendations provided by the Geotechnical Engineer are included on all final construction level drawings and submittals for the project. The identified Mitigation Measure was made a condition of approval for the project.

## **BACKGROUND**

Staff received an application for Site Plan Review in February of this year. Site Plan Review for individual homes is typically subject to staff level administrative review; however, this application is coming before the Planning Commission for a recommendation and ultimately to the City Council for approval because the Hayward Municipal Code (HMC) Section 10-8.23(b) requires City Council review of grading permits on sites with slopes that exceed 20%.

On November 12, 1993, the City of Hayward Planning Commission approved Parcel Map No. 5842, subdividing an approximately 0.89-acre site into two separate parcels. Parcel 1 (approximately 8,686 square feet) was already developed with a two-story single family home. Parcel 2 (approximately 30,088 square foot) is vacant and the subject of this application. The PM 5842 approval contained conditions of approval related to Parcel 2 that called for submittal and City Council approval of a grading permit/plan as well as Site Plan Review for any future home to be located on Parcel 2 (Attachment VII). In addition, a large conservation easement was recorded (Open Space and Conservation Easement 93-276695) on the northwestern portion of the site thereby limiting future development on that portion of the subject site.

## DISCUSSION AND STAFF ANALYSIS

Existing Conditions: The roughly rectangular subject parcel is located at the terminus of Dryden Court, north of Dobbel Avenue in the eastern hillsides. The site is vacant and covered in grassland and two clusters of trees at the northern and mid-points of the lot. The site slopes uphill from Dryden Court at gradients that range between 20 to over 30%. Surrounding development includes single family homes to the north, south and east of the project site along Dryden Court and a large, steeply sloped vacant parcel west of the project site.

Zoning/General Plan: The site has a Suburban Residential Density (SDR) General Plan land use designation which is intended to require larger lots in the rural and suburban areas of eastern hills. The site is zoned Single Family Residential (RS) District with Special Lot Standards Combining District (B6). The proposed project conforms to the minimum development standards for both the RSB6 District and the SDR General Plan land use designation as illustrated in Table 1 below.

<b>Table 1. Zoning/General Plan Project Consistency Matrix.</b>			
	<b>Min/Max Required</b>	<b>Proposed</b>	<b>Consistent</b>
Lot Size	6,000 sq. ft.	30,400 square feet (approx.)	Yes
Front Yard Setback	20 feet	92 feet at closest point (approx.)	Yes
Side Yard Setbacks	10 feet	30 feet at closest point (approx..)	Yes
Rear Yard Setbacks	20 feet	45 feet at closest point (approx.)	Yes
Lot Coverage	40%	8.5%	Yes
Height	30 feet	Varying stepped levels; 26 feet tall at tallest point from nearest grade.	Yes

Project Description. The proposed project consists of Site Plan Review for a new, approximately 4,200 square foot single family home and related site grading on an existing 30,400 square foot vacant lot located in an established hillside neighborhood.

The proposed home would be accessed from an approximately 110-foot long, 20-foot wide driveway from Dryden Court. The lower portion of the driveway at the roadway is shared with the parcel/home located immediately south of the project site. There is an existing Maintenance and Reciprocal Easement Agreement between the properties to allow for shared access. The proposed curving driveway would slope 10 to 25% uphill to the garage.

The proposed home would be split into three levels in a stepped configuration to match the topography of the hillside in conformance with the City's Hillside Design Guidelines (see plans, Attachment IV). The home would have three levels ranging between eleven feet and twenty-six feet above grade. The lowest level of the home would have a three car garage; the second level of the home would have the main entrance, kitchen, living and family rooms, deck over the garage and a bedroom/bathroom; and the third level would have a loft and three additional bedrooms. Elevations have projecting building elements/planes, varying rooflines, a belly band and a variety of arching and rectangular windows on all elevations to break up the massing of the home. Building materials would include painted stucco, a ceramic tile roof, stairwell and deck railings. Retaining walls would be utilized in the building structure and would have stone veneer surfacing to minimize their visual impact.

Staff believes that the Commission can make the findings to recommend approval of the Site Plan Review and related Grading Permit applications due to the fact that the proposed design exhibits a stepped architectural design that minimizes the scale of the home from the public right-of-way and neighboring properties, and in that it contains a variety of architectural features and materials to provide an attractive addition to the neighborhood and City.

Grading Permit. The purpose of a grading permit is to ensure the protection of natural and man-made environmental features during the course of grading and clearing activities related to a development. The applicant submitted a Grading Permit with supporting Civic Plans on May 23, 2016 (Attachment V). Staff believes that the proposed grading plans in conjunction with the architectural plans contain adequate information to provide the Commission with information to make a recommendation on the proposed development. According to Section A-A and B-B on Sheet 9 of the Architectural Plans (Attachment IV), the proposed home will have below-grade foundations and walls ranging from eight to ten feet in height which will not be visible due to the fact that the home will be nestled into the hillside. Thus, the proposed development is suitable to the site and designed in a manner to minimize the visual impact of the home to the hillside. Further, the accompanying Geotechnical Report contains specific recommendations to ensure the stability of the slope and the integrity of the structure.

Public Works – Engineering staff completed the review of grading plans and is awaiting the submittal of final plans following Council action. The approved grading permit will include a set of specific and standard conditions of approval for the project. Specific conditions will relate to the submitted Geotechnical Report recommendations that the proposed foundations reach hard bedrock among others which were included as a mitigation measure/condition of approval for the proposed development. General conditions will relate to submittal of an erosion control plan; standards for import, export and containment of materials; and limitations on days and hours of grading work among others to minimize the impacts of grading on the surrounding community.

Findings for the Site Plan Review (SPR) – Pursuant to HMC Section 10-1.3025, the following findings shall be made by the approving authority prior to approval of an SPR.

- 1. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City** in that the proposed single family

home would be located on a vacant single family lot in an established single family residential neighborhood; and in that the home would exhibit a stepped architectural design with varying rooflines, building planes and materials intended to reduce the massing of the home from the public right-of-way and neighboring properties.

2. **The development takes into consideration physical and environmental constraints** in that the proposed project would include below-grade foundations and walls ranging from eight to ten feet in height that would be hidden by existing topography; and in that drainage from the proposed development would be directed into cisterns, rain barrels and vegetated areas to minimize sheet flow from the site. Conditions of approval related to compliance with Geotechnical Engineer recommendations related to foundation supports among other recommendations would ensure that all environmental and physical constraints are adequately addressed in the final design and development of the home.
3. **The development complies with the intent of City development policies and regulations** in that the home will be split into three levels in a stepped configuration to match the topography of the hillside which is consistent with the City's Hillside Design Guidelines; and in that the home would have varying wall planes and rooflines, a belly band and a variety of arched and rectangular windows as well as a variety of building materials on all elevations to break up the massing of the large single family home; and in that the home would be consistent with the development standards for the RS District.
4. **The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that** the proposed development is for a single family home in an established single family neighborhood; and in that the home would operate in a manner similar to surrounding development.

## ENVIRONMENTAL REVIEW

An Initial Study evaluating the potential environmental impacts of this project was prepared in accordance with the California Environmental Quality Act (CEQA). The Initial Study found that the proposed project would result in potential impacts related to Geology/Soils and Mandatory Findings of Significance (Attachment VI). Specifically, the Geotechnical Report contained specific recommendations that would be required to be included in all future Grading Permit and Building Permit submittals.

A Notice of Intent to Adopt a Negative Declaration (NOI) was filed with the Alameda County Clerk on August 26, 2016 for the requisite twenty-day public review. On the same date, the NOI and the Initial Study were posted at City Hall, on the City's website and delivered to the Hayward libraries. In addition, copies of the NOI were sent to interested parties and property owners within 300 feet of the project site.

The public comment period for the proposed Negative Declaration and Initial Study extends through September 15, 2016 at 5 p.m. CEQA Guidelines Section 15074, states that an advisory body making a recommendation to the decision-making body shall solely consider, rather than adopt, the Mitigated Negative Declaration before making its recommendation. City staff received one comment inquiring whether staff included analysis related to an underground spring on the project site. Staff requested additional source materials related to the claim because there is no evidence in City records, the project materials or supporting studies indicating the presence of an underground stream on the project site. As of the publication of this staff report, staff has not received any additional information related to this claim.

## **SUSTAINABILITY FEATURES**

The proposed single family development will meet the minimum applicable Building Code requirements in the areas of Energy: Electricity/Natural Gas/Other Fossil Fuels; Water: Efficiency and Conservation; Air: Air Emissions of Pollutants; Solid Waste: Waste Diversion and Reduction; and, Transportation: Consistent with the City's Complete Streets Policy.

## **PUBLIC OUTREACH**

On March 2, 2016, initial notices of the proposed project were sent to sixty-three property owners and residents within a 300-foot radius of the project site, as well as interested parties in the neighborhood. Following the initial notice, a neighbor north of the project site inquired about impacts to views and was provided a view study showing that there would be no impact on views from the north of the project site.

On August 26, 2016, a notice related to the release of the Initial Study, MND and this public hearing were sent to all property and business owners and residents within a 300-foot radius of the project site, to all interested parties, and was posted on the City's website.

## **NEXT STEPS**

Following the Planning Commission hearing, the City Council is expected to consider the proposed project, along with the Planning Commission's recommendation, at a noticed public hearing on September 27, 2016. If the City Council approves the project, the applicant will finalize the grading permit and submit building permits for the proposed project.

Prepared by: Leigha Schmidt, AICP, Senior Planner

Approved by:



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Sara Buizer, AICP, Planning Manager

A handwritten signature in black ink, reading "David Rizk". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

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David Rizk, AICP, Development Services Director