



SUBJECT

Proposed Single-Family Residence on a Vacant 0.12-Acre Hillside Lot Located at 2382 Rainbow Court, by Ravi Jonnadula, H & M Ventures (Applicant/Property Owners), Requiring Approval of a Site Plan Review and Grading Permit (Application No. 202002396).

RECOMMENDATION

That the Planning Commission recommend to City Council the approval of the Site Plan Review with Grading Permit, for the proposed single-family residence on a vacant hillside lot, located at 2382 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 three-story, 3,442 square-foot single-family residence with a roof deck and a 3-car garage on a 0.12-acre (5,125 square-feet) vacant hillside parcel located at 2382 Rainbow Court (Assessor Parcel No. 425-0410-029-00).

Generally, Site Plan Review applications for single-family residences within the hillside areas are subject to administrative staff level review. However, the average slope of the area that will be graded is 21.3 % and the Grading/Clearing Ordinance requires City Council approve the Grading Plan for developments where the area disturbed is over 20% 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.

Staff believes the single-family residence is an attractive addition to the surrounding neighborhood and is consistent with the RS District development standards, Hillside Design Guidelines and General Plan.

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 5,125 square-foot lot that slopes upward 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. The parcel 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. This home is located on Lot 8 and as proposed, complies with the height limitation.

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

Public Outreach. On July 13, 2020, 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 January 29, 2021, a Notice of Public Hearing was advertised in the newspaper and sent to all property owners, relevant stakeholders, and site addresses within 300-feet of the subject property. As of the date this report, the Planning Division has not received any comments with respect to the proposed project.

PROJECT DESCRIPTION

Existing Conditions. The 0.12-acre project site is a vacant, unimproved parcel of land located at the neck of Rainbow Court. The Topographic Survey identifies an approximate 12-foot drop in the first 30 feet from the concrete sidewalk at street-level. The parcel levels off and slopes from the south to the north side property lines. The parcel is not located in the Alquist-Priolo Fault Zone or any Seismic Landslide or Liquefaction areas.

Proposed Project. The applicant is proposing to construct a Mediterranean Style three-story 3,442 square-foot, single-family residence containing 3 bedrooms, 1 study/guest room, 3 full bathrooms, 2 half bathrooms and a three-car garage. The ground level of the home will contain the 3-car garage. The 1st floor will include a living room, dining room, kitchen, family room and study/guest room, and the second floor will include a loft, laundry room, a master bedroom and two other bedrooms. From the second floor, stairs lead to the rooftop deck. 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 include a new driveway, decorative paving, concrete steps and retaining wall.

Landscaping. 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 and groundcovers.

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 Code². This is to demonstrate that proposed developments, along with any site improvements, are consistent with the development

² Site Plan Review Findings, Chapter 10, Article 1:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3000SIPLRE

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
- 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 in Attachment II.

Grading Permit. The project is subject to City Council review for the proposed grading since the average slope of the site, 21.3% 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 Frank Lee & Associates (October 2015 & updated July 2019) providing recommendations on site preparation, compaction, excavating, drainage (surface and subdrain), foundations, slabs, retaining walls based on the soil investigation and analysis.

The report finds that the slopes on the project site are moderate, the surface and subsurface soils are not highly expansive soils, and the site contains competent soil conditions. In addition, the report finds that the project is outside of the Alquist-Priolo Fault Zone but because of its proximity to it, there is the potential for significant ground shaking by an earthquake. However, the report concludes 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 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 2019 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*³. 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

³ Suburban Density Residential, Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/land-use/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:

- **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.

- **H-3.4: Residential Uses Close to Services**

The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

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/Wildland 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 10-1.200⁴, 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	40%	40%
Front Setback	20'	20'
Side Yard	5'	5'
Rear Yard	Greater than 60'	20'
Parking	Three-car garage	Two-car garage
Driveway Length	20'	20'
Height	30'	30'

Hillside and Urban Wildland Interface Guidelines. The project is located on a hillside parcel that is subject to the design standards of the Hillside and Urban/Wildland Interface Guidelines⁵. The purpose of the Hillside and Urban/Wildland 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 Roadmap. This project supports two of the Core priorities of the Strategic Roadmap:

⁴ 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

⁵ Hillside Design and Urban/Wildland Interface Guidelines:

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

- Priority: Preserve, Protect, and Produce More Housing.
The project will increase the housing stock in Hayward.
- Priority: Combat Climate Change
The carbon footprint will be reduced as new homes will not be allowed to have gas appliances.

STAFF ANALYSIS

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/Wildland Interface Guidelines in that the proposed development has been designed to minimize grading while not exceeding the 606 feet elevation constraint. The front façade gradually steps back with the slope and the home is nestled into the hillside. In addition, the proposed landscaping along the street frontages 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 rights-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 proposed project 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 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 20-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 is required.

NEXT STEPS

Following the Planning Commission recommendation, the City Council will review and consider the Site Plan Review with Grading Permit application at a regularly scheduled meeting tentatively scheduled for Tuesday, March 2, 2021. If the City Council approves the project, the decision will be final, and the applicant may proceed with a technical grading and building permit review process.

Prepared by: Carl Emura, ASLA, Associate Planner

Approved by:



Sara Buizer, AICP, Planning Manager



Laura Simpson, AICP, Development Services Director