SUBJECT

Proposed Single-Family Residence on a Vacant 0.11-Acre Hillside Lot with an Average Slope Greater than 20%, Located at 25183 Central Boulevard, Assessor Parcel No. 445-0220-086-00, Requiring Approval of Site Plan Review with Grading Permit Application No. 202000849, Patricia Prado (Applicant) and P. Gerardo Diaz Vazquez (Owner).

RECOMMENDATION

That the Planning Commission recommend to Council the approval of the Site Plan Review with Grading Permit (Application 20200849), for the proposed single-family residence on a vacant hillside lot, located at 25183 Central Boulevard, 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, 2,484 square-foot single-family residence with a three-car garage on a vacant 0.11-acre hillside parcel located at 25183 Central Boulevard (Assessor Parcel No. 445-0220-086-00).

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 30.4%. Development on slope in excess of 20% requires 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 Council without Planning Commission review, staff determined that the applications require Planning Commission review and Council consideration.

BACKGROUND

The project site is a vacant 0.11-acre lot located within the Single Family Residential (RS) zoning district and is designated Low Density Residential (SDR) in the *Hayward 2040 General Plan*.

Per HMC Section 10-1.225, the minimum lot size and minimum average lot width requirements in RS zoning district are 5,000 square-feet and 50 feet, respectively. The subject site is 4,792 square-feet (0.11 acre) in size with an average lot width of 40 feet and is, thus, a substandard lot. Per HMC Section 10-1.2720, substandard lots lawfully created on the date the lot became substandard may be used as a building site provided the lot is not less than 80% of the size and average lot width requirements of the applicable zoning district. The subject site was lawfully

[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

created in 1928 as Lot 19 in Block 7 of the East 14th Street home sites, Eden township, Alameda County, and is 96% of the size and 80% of average lot width requirements in RS zoning district. Therefore, it can be used as a building site.

Public Outreach. On February 28, 2020, a Notice of Receipt of Application was sent to 97 addresses including property owners and tenants located within a 300-foot radius of the project site and interested stakeholder groups such as Mission Foothills Task Force. The Planning Division did not receive any comments in response to the Notice of Receipt of Application.

On August 20, 2021, a Notice of Public Hearing was sent via standard mail to property owners, tenants, interested parties, and community stakeholder groups within 300-feet of the project site and a legal ad was published in *The Daily Review* newspaper providing notification of the upcoming virtual Planning Commission and City Council hearings. To date, staff has not received any public comments or correspondence on this project.

PROJECT DESCRIPTION

Existing Conditions. The 0.11-acre project site is a vacant, unimproved parcel of land located at the intersection of Central Boulevard with Spring Drive, to the west side of the intersection. The site slopes downward from Central Boulevard. The Topographic Survey identifies an approximately 30-foot elevation difference from the front of the site to the rear. The slope for a distance of 24 feet into the site in the front and 28 feet in the rear are relatively steeper than the terrain in the central portion.

The project site is primarily surrounded by existing residential development along all property boundaries except for the vacant land to the east across Central Boulevard. The property is located within the Alquist-Priolo Earthquake Fault Zone and partially within the Seismic Landslide Zone with two fault traces traversing the site in a general north-south direction.

Proposed Project. The applicant is proposing to construct a new, two story, single-family residence with 2,484 square-feet of conditioned habitable floor area and an attached 420 square-foot, three-car garage. The garage would be located on the upper floor (street level) and accessed from Central Boulevard. The garage would contain a hydraulic lift for two level parking for two cars and at grade parking for one car. Additionally, the upper floor would contain a kitchen, nook area, family room, living room, a guest room and a bathroom as well as a deck to the rear of the proposed structure. Entry to the residence would be on the upper level through a porch. The lower level would contain a master bedroom and bathroom, two additional bedrooms and bathrooms, and a laundry room. The lower level would also include a rear deck.

Architecturally, the proposed residence incorporates an eclectic design aesthetic with sloping, shingle roofs and the exterior finished with stucco on the upper floor and wood siding on the lower floor. Due to downhill slope from Central Boulevard and the proposed structure stepping down the hill, the single-family residence would appear as a single-story structure from Central Boulevard. The proposed residence would likely be wood-framed construction. Lastly, at its tallest points measured along the hillside, the residence is measured at 30-feet, which is compliant with the zoning height limit standards. 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, and a retaining wall.

Landscaping and Tree Removals. The applicant has submitted a landscaping and irrigation plan (Attachment IV), which 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. The landscaping proposed will include new tree planting, shrubs, and groundcovers, adjacent to the driveway in the front and to the rear of the property down the hill. The landscaping would incorporate an existing almond tree on site near the rear property boundary. The landscaping and irrigation plans would be reviewed in greater detail during the building permit phase.

The landscape plan and the project arborist report evaluated nine trees on or in the vicinity of the site and identified three trees for removal: one Almond (Prunus dulcis), one Red Willow (Salix laevigata), and one Peruvian pepper (Schinus molle) tree. The removal of these trees shall require the issuance of a Tree Removal Permit to allow the construction of the new single-family residence at the project site. Pursuant to Chapter 10, Article 15 (Tree Preservation Ordinance) the goal 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.

Additionally, the Ordinance requires that any protected trees to be removed shall require on-site planting of trees with like-size, like-kind trees to meet or exceed the appraised value of the removed tree(s) as determined by a certified Master Arborist and reviewed by the City Landscape Architect. As proposed, the landscape plan includes one 36"-box Coast Live Oak to mitigate the loss of the trees to be removed, based upon the appraised value. The landscaping and irrigation plans would be reviewed in greater detail during the building permit phase to ensure that all mitigation is adequate. 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 HMC[2]. 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;

[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

- 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 andcompatible 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 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 erosion plans) for the project that were reviewed by the City's Engineering Division. The applicant also submitted a Geotechnical Report, dated May 9, 2019, prepared by Capex Engineering, Inc. that examined the surface and subsurface soil conditions and concluded that the proposed development is feasible subject to recommendations incorporated in the report. The report provides recommendations on grading and compaction, drainage (surface and subdrain), foundations, slabs, and retaining walls based on the soil investigation and analysis.

As indicated above, the project site is traversed by two fault traces, is located within the Alquist-Priolo Earthquake Fault Zone and partially within the Seismic Landslide Zone. However, Section 2621.6(a)(2)(B) of the Alquist-Priolo Earthquake Fault Zoning Act allows construction of a wood or steel frame single family residence not exceeding two stories on a previously created lot in the Alquist-Priolo Earthquake Fault Zone without requiring any geologic exploration. The project has been reviewed by the City's Engineering Division, who have conditionally approved the project. Furthermore, 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 will be constructed 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 the WELO, 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 Low Density Residential (LDR) in the *Hayward 2040 General Plan*[3]. Properties within the LDR land use designation predominantly consist of single-family residences, second units, and ancillary structures on lot sizes that generally range from 5,000 to 10,000 square-feet throughout 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

[3] Low Density Residential, Hayward 2040 General Plan: https://www.hayward2040generalplan.com/land-use/residential

against the applicable goals and policies and found to be consistent with the following:

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

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 HMC Section 10-1.200[4], 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
Lot Coverage	38%	40% (Maximum)
Front Setback	20'-5"	20' (Minimum)
Side Yard	5'	5' (Minimum)
Rear Yard	27'-5"	20'
Parking	Three Car Garage	Three-Car Garage or Two-Car Garage plus 2 Uncovered Spaces
Driveway Length	20'	20'
Height	30'	30' (Maximum)

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 Guidelines[5]. 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 is attractively designed to minimize visual impacts to adjacent properties and the street frontages, consistent with the Guidelines.

STAFF ANALYSIS

[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

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 is designed to minimize excessive grading and closely follows the existing topography.

The proposed building will present itself as a one-story structure from the street consistent with the adjacent residences. Additionally, the proposed landscaping adjacent to the driveway, including a tree, will help to soften the building's appearance and visual impacts from adjacent properties and the public rights-of-way. As such, staff believes that the Planning Commission can support the draft findings and recommend project approval to the Council.

ENVIRONMENTAL REVIEW

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. The project will involve grading on a parcel with a slope greater than 20-percent and the project site is located within the Alquist-Priolo Earthquake Fault Zone area, which is an officially mapped area of severe geological hazard. However, the project is exempt from the Alquist-Priolo Earthquake Fault Zoning Act because Section 2621.6(a)(2)(B) of the Act allows construction of a wood or steel frame single family residence not exceeding two stories on a previously created lot in Alquist-Priolo Natural Hazard Zone without requiring any geologic exploration. Therefore, no additional environmental analysis is required.

NEXT STEPS

Following the Planning Commission recommendation, the Council will review and consider the Site Plan Review with Grading Permit application at a regularly scheduled meeting tentatively scheduled for October 5, 2021. If the Council approves the project, the decision will be final, and the applicant may proceed with a technical grading andbuilding permit review process.

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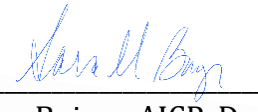
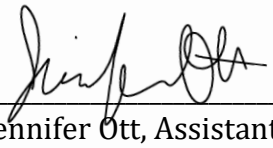
Recommended by: Jeremy Lochirco, Acting Planning Manager

Approved by:



Sara Buizer, AICP, Deputy Development Services Director



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