



# CITY OF HAYWARD

Hayward City Hall  
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## Cover Memo

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**File #:** PH 18-028, **Version:** 1

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**DATE:** April 3, 2018

**TO:** Mayor and City Council

**FROM:** Interim Development Services Director

### **SUBJECT**

Adoption of a Resolution Associated with a Proposed Single-Family Residence on a Vacant 0.13-Acre Hillside Lot Located at 2398 Rainbow Court, Requiring Site Plan Review with Grading Permit and Variance Application No. PL 201705626; and the Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Siddiq Miakhail (Applicant).

### **RECOMMENDATION**

That the City Council adopts the attached Resolution (Attachment II), approving the Site Plan Review with Grading Permit and Variance Application for the proposed single-family residence, and adopting the related Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the proposed development.

### **SUMMARY**

The applicant is requesting approval of a Site Plan Review (SPR) with Grading Permit, and a Variance (VA) of the required rear yard setback to allow the construction of a 2,672 square-foot, single-family residence with related on- and off-site improvements on a 0.13-acre (5,651 square-foot) vacant hillside parcel located at 2398 Rainbow Court (APN 425-0410-031-00).

Normally, SPR 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 10-8.23 <https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART8GRCL>](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART8GRCL) of the Hayward Municipal Code (HMC). Since the HMC does not allow staff to refer a SPR application to City Council without Planning Commission review, staff determined that both applications require Planning Commission review and City Council consideration. The Planning Commission reviewed this project application on March 22, 2018 and recommended approval of the proposed project.

An Initial Study was prepared and concluded that the project could be built with mitigation measures that would reduce potential impacts to a level of less-than-significant. A copy of the Initial Study and Mitigated Negative Declaration with Mitigation and Monitoring Report are included as Attachment VI and VII.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Planning Commission Minutes
Attachment IV	Map
Attachment V	Plans
Attachment VI	Applicant Variance Findings and Neighbor Support Letter
Attachment VII	Initial Study
Attachment VIII	Mitigation Monitoring and Reporting Program
Attachment IX	Geotechnical Report