



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/11/00
AGENDA ITEM 5
WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change Application No. 99-190-04 – Initiated by the Planning Director – Request to Change the Zoning from RS (Single-Family Residential) District to RSB10 (Single-Family Residential and Special Lot Standards Combining) District – The Subject Properties Are Located along University Court Generally Between Campus Drive and Highland Boulevard

RECOMMENDATION:

The Planning Commission (5:0; 2 absent), and staff, recommend that the City Council:

- 1) Adopt the Negative Declaration; and
- 2) Approve the Zone Change, omitting the parcel known as Lot 27, subject to the attached findings.

DISCUSSION:

BACKGROUND

On September 28, 1999, the City Council requested staff to evaluate the possible rezoning of properties along University Court. This directive came in response to concerns expressed by a number of neighborhood residents regarding a proposal to subdivide one parcel (Lot 1) into three new lots at the northern end of University Court. The residents' concerns focused on preservation of the semi-rural character of the area, increased traffic congestion, and the safety of children walking to Highland School.

The proposal consists of approximately 8.8 acres and includes all properties on both sides of University Court from Campus Drive on the north to Quail Canyon Court on the south, just north of the intersection with Highland Boulevard (see Exhibit A). The proposal is to change the zoning from the RS District to the RSB10 District, which would increase the minimum lot size from 5,000 square feet to 10,000 square feet. No land use changes are proposed as part of this rezoning proposal.

The proposal has the effect of reducing the potential density of development on the affected properties by approximately 50 percent. Under the existing RS zoning, the maximum potential for additional development is estimated at 17 dwelling units on 7 lots, With the proposed **RSB10** zoning, the maximum potential for additional development is estimated at 7 dwelling units on 3 lots. It is very likely that the actual development potential under both the existing and proposed zoning is much less given the location of existing dwellings on the lots, the hillside terrain between University Court and Ward Creek.

The General Plan land use designation for the subject area is Low Density Residential, which typically provides for single-family homes on lots ranging from 5,000-10,000 square feet. The existing zoning and proposed zoning are both consistent with this designation. The proposed rezoning would support the policies of the Hayward Highlands Neighborhood Plan, which calls for retention of the semi-rural character of the Highland-Morse-Modoc area.

The proposal has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and a Negative Declaration has been prepared stating that the proposal could not result in significant effects on the environment.

PUBLIC INPUT

On May 30, 2000, a neighborhood meeting was held at Highland School to review the proposed rezoning proposal with area residents. Notice of the meeting was mailed to property owners and occupants within the subject area, property owners and occupants within 300 feet of the proposal boundaries, the Highland-Morse-Modoc Committee, and former members of the Hayward Highlands Neighborhood Plan Task Force. No opposition to the rezoning was expressed by any of the 10 people in attendance, and most were very supportive of the proposal. Concerns that were voiced related to the need for a minimum setback from Ward Creek, a desire to preserve the existing trees, the impact of further development on the storm drain at the end of University Court, the possibility of development on a vacant parcel within an adjacent area zoned for high density residential use, and the potential for development at the end of Morse Court.

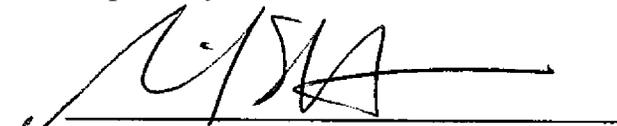
The owners of Lot 27 have since expressed **concern** that the proposed zone change could adversely affect their future desire to separate the two existing residences by a parcel map. The size of the existing parcel is approximately 39,300 square feet. The rear of the parcel is tree-covered and slopes dramatically into the Greenbelt Trail leaving a buildable area of approximately 20,700 square feet. Because of the location of the existing residences, it is unlikely that the buildable front portion could be subdivided to support additional residences. In addition, one of the new parcels would contain only 7,000-8,000 square feet, significantly under the 10,000 square feet required by the proposed zone district. A parcel map would also require approval of a variance, by the Planning Commission, to reduce the required setback between the existing structures. As it is unlikely that the rear portion of this lot would be further developed, given the terrain conditions, and that the buildable area is limited by the location of the existing residences and parcel configuration, the Planning Commission recommended that Lot 27 be omitted from consideration of the subject zone change and remain in the RS District.

The Planning Commission asked staff to look into the alternative of leaving the house closest to University Court in the RS District while rezoning the remainder of the lot as RSB10. Staff explored this option and believes that it would not be necessary to split the zoning on this parcel due to site constraints. In this instance, the RS District would continue to meet the intent of limiting future development on University Court.,

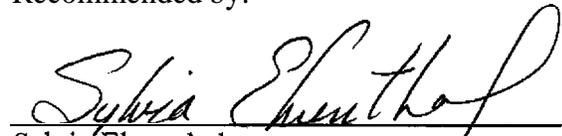
CONCLUSION

The Planning Commission and staff believe that the proposed rezoning will further implement the goals and objectives of the General Plan and Hayward Highlands Neighborhood Plan, by establishing residential densities that reflect the natural environment and maintain the semi-rural character of the neighborhood. The Planning Commission further recommends omitting Lot 27 from this consideration.

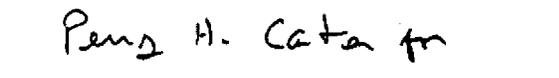
Prepared by:


for Gary Calame, AICP
Senior Planner

Recommended by:

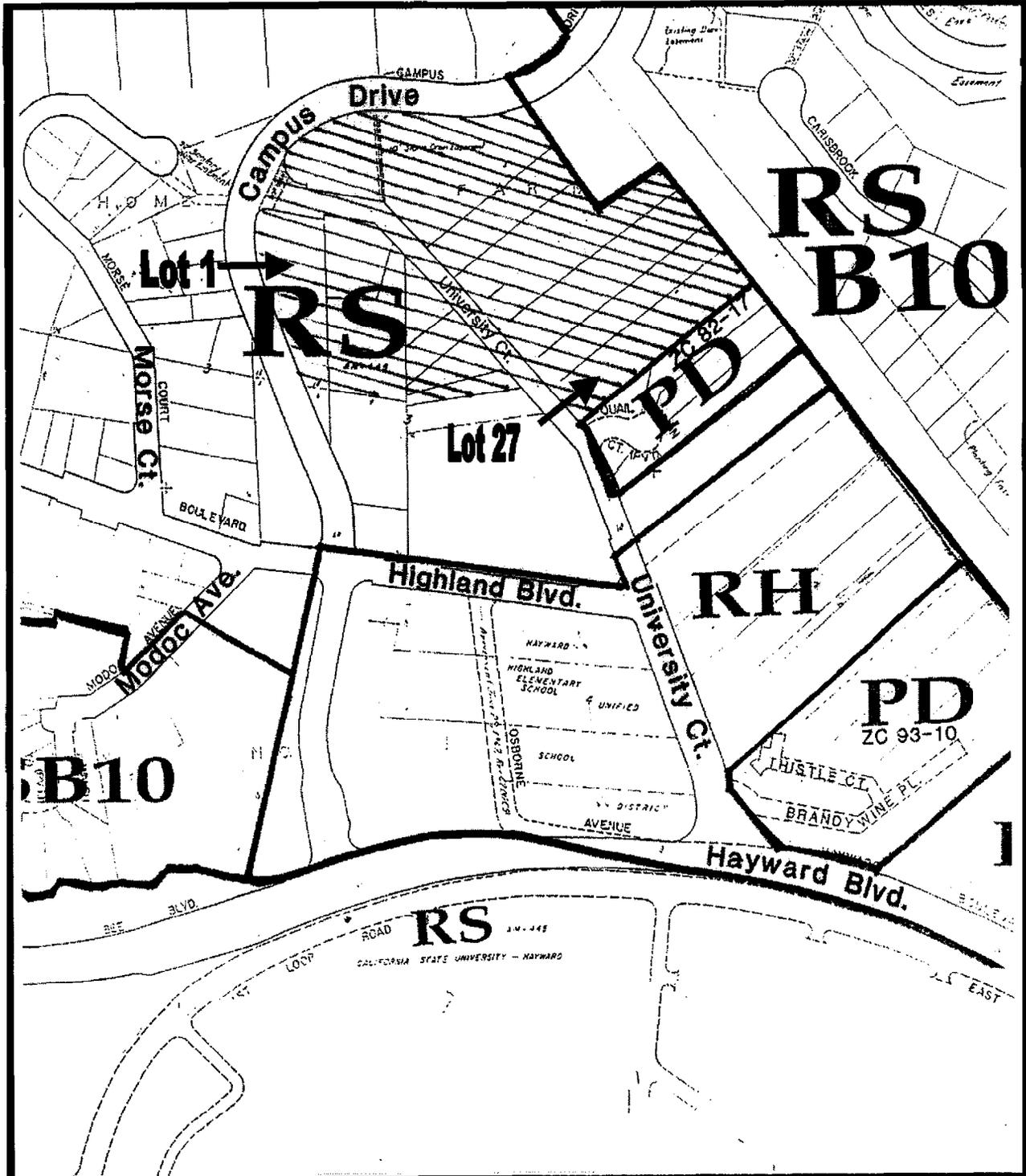

Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:


Jesus Armas, City Manager

Attachments:

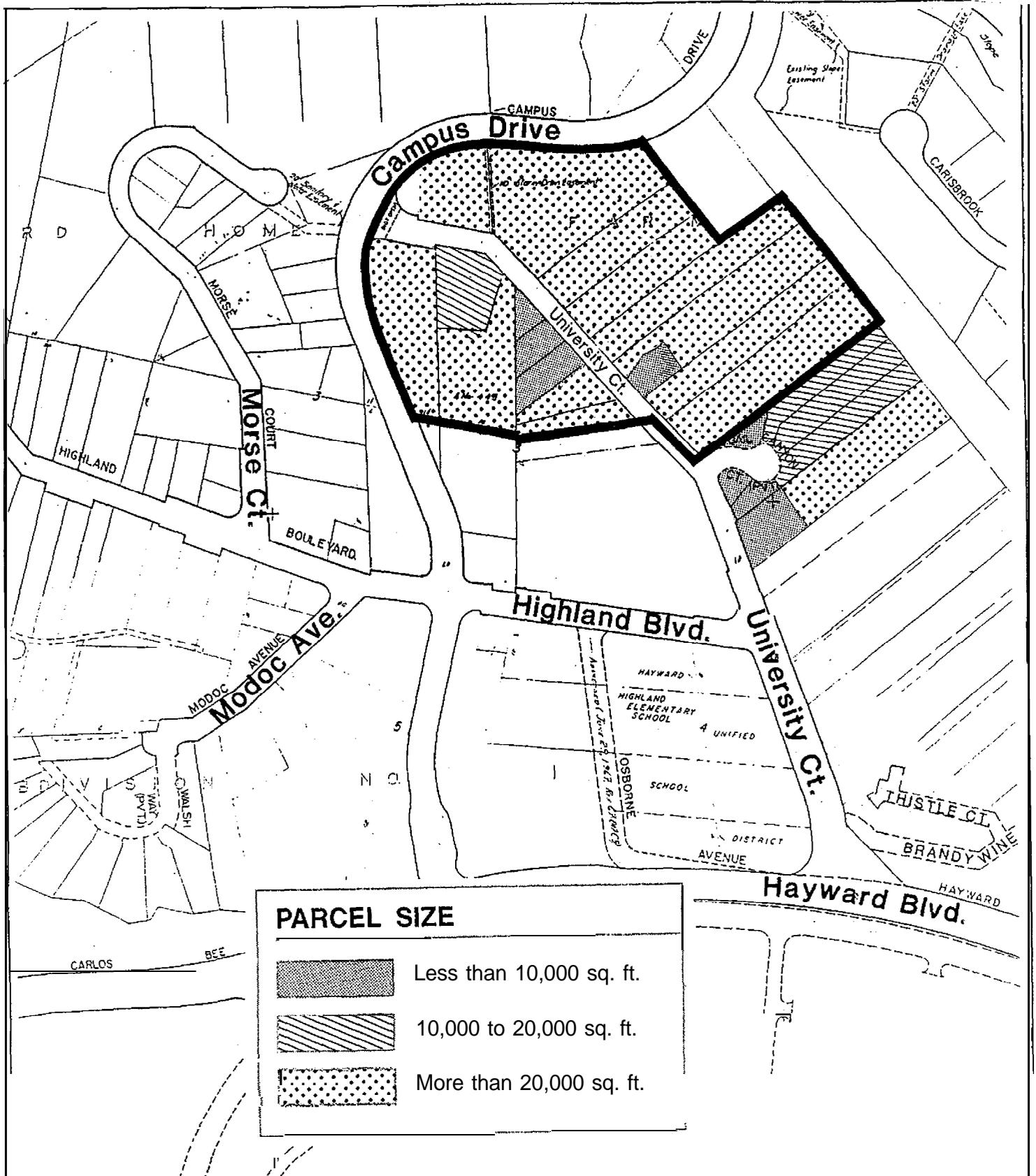
- | | |
|-----------|---|
| Exhibit A | Area Zoning Map |
| Exhibit B | Parcel Size Map |
| Exhibit C | Negative Declaration and Initial Study |
| Exhibit D | Findings for Approval |
| Exhibit E | Draft Planning Commission Meeting Minutes dated June 22, 2000
Draft Resolution |



ZONINGMAP ■ ZC99-190-04

University Court Rezoning
Initiated by Planning Director
Area Rezone from RS to RSB10

EXHIBIT B



PARCEL SIZES ■ 99-190-04
 University Court Rezonings
 Initiated by Planning Director
 Area Rezone from RS to RSB10



DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT Planning Division

NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

ZC 99-190-04 – UNIVERSITY COURT – Change of Zone from *RS* “Single-Family-Residential” District to *RSB10* “Single-Family Residential & Special Lot Standards Combining” District. The project affects approximately 8.8 acres of land and reduces the potential density of the affected properties by 50 percent. The existing *RS* District allows a minimum parcel size of 5,000 square feet whereas the *RSB10* District allows a minimum parcel size of 10,000 square feet. The land use is not affected by this project, There is no construction or subdivision project proposed or anticipated as a result of this project.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project will have no significant effect on the area’s resources, cumulative or otherwise.

III. FINDINGS SUPPORTING DECLARATION:

The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Checklist Form has been completed for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.

IV. PERSON WHO PREPARED INITIAL STUDY:



Richard E. Patenaude
Associate Planner

Dated: June 2, 2000

V. *COPY OF INITIAL STUDY IS ATTACHED*

For additional information, please contact the City of Hayward Planning Division, 777 B Street, Hayward, CA 94541-5007, or telephone: (510) 583-4213

DISTRIBUTION/POSTING

Provide copies to project applicants and all organizations and individuals requesting it in writing. Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.

Project file.

Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing,



Environmental Checklist Form

1. Project title: **ZC 99-190-04 – UNIVERSITY COURT**
2. Lead agency name and address:
**Department of Community & Economic Development
City of Hayward
777 B Street
Hayward, CA 94541**
3. Contact person and phone number:
**Gary Calame
510-583-4226**
4. Project location:
University Court generally between Campus Drive and Highland Boulevard
5. Project sponsor's name and address:
**Planning Director
City of Hayward
777 B Street
Hayward, CA 94541**
6. General plan designation: **LDR – Low-Density Residential**
7. Zoning: **RS – Single-Family Residential**
8. Description of project: **Change of Zone from RS “Single-Family-Residential” District to RSB10 “Single-Family Residential & Special Lot Standards Combining” District. The project affects approximately 8.8 acres of land and reduces the potential density of the affected properties by 50 percent. The existing RS District allows a minimum parcel size of 5,000 square feet whereas the RSB10 District allows a minimum parcel size of 10,000 square feet. The land use is not affected by this project. There is no construction or subdivision project proposed or anticipated as a result of this project.**
9. Surrounding land uses and setting: Briefly describe the project's surroundings: **The subject area is located within the Highland-Morse-Modoc Subarea of the Hayward Highlands Neighborhood. The neighborhood is primarily characterized by low-density single-family residential development along ridges and hillsides. The proposed project is bordered on the south by institutional uses (Highland Elementary School and Cal State Hayward), a church and multi-family residential projects. The proposed project is bordered on the east by the Greenbelt Riding & Hiking Trail. The slope of the proposed project falls from west to east with an average slope of approximately 19%.**
10. Other public agencies whose approval is required: **None**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

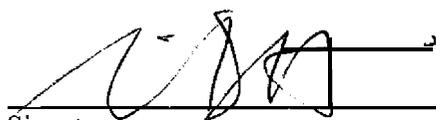
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | | | | |
|-------------------------------------|-------------------------------|--------------------------|------------------------------------|-------------------------------------|------------------------|
| <input checked="" type="checkbox"/> | Aesthetics | <input type="checkbox"/> | Agriculture Resources | <input type="checkbox"/> | Air Quality |
| <input type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Cultural Resources | <input type="checkbox"/> | Geology /Soils |
| c1 | Hazards & Hazardous Materials | c1 | Hydrology / Water Quality | <input type="checkbox"/> | Land Use / Planning |
| a | Mineral Resources | <input type="checkbox"/> | Noise | <input type="checkbox"/> | Population / Housing |
| <input type="checkbox"/> | Public Services | <input type="checkbox"/> | Recreation | <input checked="" type="checkbox"/> | Transportation/Traffic |
| c1 | Utilities / Service Systems | <input type="checkbox"/> | Mandatory Findings of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find **that** the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I **find** that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

6/2/00
Date

Richard E. Patenaude, Associate Planner
Printed Name

Dept. of Community &
Economic Development –
City of Hayward
Agency

INSTRUCTIONS FOR EVALUATION OF ENVIRONMENTAL IMPACTS
AND USE OF ENVIRONMENTAL CHECKLIST:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

ENVIRONMENTAL ISSUES:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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I. AESTHETICS -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore enhance aesthetic factors.

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

There is no construction or subdivision project proposed or anticipated as a result of this project. The subject properties hold no agricultural value as identified by the Hayward General Policies Plan and the Hayward Highlands Neighborhood Plan.

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations, Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore reduce potential negative air quality factors.

IV. BIOLOGICAL RESOURCES -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore reduce negative biological resources factors.

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and there are no known cultural resources located on the subject properties.

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant impact</i>	<i>No Impact</i>
d) Be located on expansive soil, as defined in Table 18-l-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore reduce exposure to negative geology and soils factors.

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airfield, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore reduce the potential for creation of, and exposure to, hazardous materials.

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | a | a | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | b | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | c 1 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore reduce negative hydrology and waterquality factors.

IX. LAND USE AND PLANNING - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	M ●	<input checked="" type="checkbox"/>

The proposed project is consistent with the Hayward General Policies Plan and the Hayward Highlands Neighborhood Plan. The proposed project supports the goal to retain the semi-rural character of the Highland-Morse-Modoc area (page 9, Section B.1) of the Neighborhood Plan.

X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	M ●	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is not located in a mineral recovery site identified by the Hayward General Policies Plan and the Hayward Highlands Neighborhood Plan.

XI. NOISE -Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundbome vibration or groundbome noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	c 1	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	• 7	M ●	M ●	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	M ●	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant impact	NO Impact
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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore reduce the creation of, or exposure to, negative noise factors.

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore reduce population growth in the area below that anticipated by the Hayward General Policies Plan and the Hayward Highlands Neighborhood Plan.

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No impact</i>
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There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore reduce the need for public services over that anticipated by the Hayward General Policies Plan and the Hayward Highlands Neighborhood Plan.

XIV. RECREATION --

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore reduce the need for recreational facilities over that anticipated by the Hayward General Policies Plan and the Hayward Highlands Neighborhood Plan.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

- | | | | | |
|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | a | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>NO Impact</i>
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There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore reduce the need for transportation facilities over that anticipated by the Hayward General Policies Plan and the Hayward Highlands Neighborhood Plan.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

There is no construction or subdivision project proposed or anticipated as a result of this project. This project has the potential to reduce the density of development and therefore reduce the need for utilities and service system over that anticipated by the Hayward General Policies Plan and the Hayward Highlands Neighborhood Plan.

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

c 1	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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EXHIBIT D

FINDINGS FOR APPROVAL

Zone Change 99-190-04

- 1) The proposed change will have no significant impact on the environment, cumulative or otherwise, and the Negative Declaration prepared for this project is in conformance with the provisions of the California Environmental Quality Act.
- 2) The proposed change will promote the public health, safety, convenience and general welfare of the residents of Hayward, and the residents of the subject neighborhood specifically, as it conforms to the natural conditions and access restrictions in the subject area.
- 3) The proposed change will further implement the goals and objectives of the General Plan and the Hayward Highlands Neighborhood Plan by establishing residential densities that better reflect the natural environment and retain the semi-rural character of the Highland-Morse-Modoc area.
- 4) Streets and public facilities, existing or proposed, are adequate to serve all uses permitted when the subject properties are reclassified.
- 5) All uses permitted when the properties are reclassified will be compatible with present and future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations.



MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Fish, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Williams, Zermeño
CHAIRPERSON F i s h
Absent: COMMISSIONER Caveglia, Halliday

Staff Members Present: Anderly, Connelly, Looney, McClellan, Patenaude

General Public' Present: Approximately 10

PUBLIC COMMENT

AGENDA

1. **Use Permit UP 00-160-03 – Enterprise Rent-a-Car (Applicant), Jose Caloca (Owner) –** Request to Operate a Satellite Auto-Rental Office to Service Dealership Accounts and Other Customers – The property is located at 24518 Mission Blvd., easterly side in a CG-SD2 (General Commercial – Mission Corridor Special Design Overlay District No. 2) Zoning District.
2. **General Plan Amendment 00-110-01 and Zone Change Application 99-190-02 – David Finger of New Look Properties, L.L.C. (Applicant/Owner) –** Request to (1) Amend the General Plan Designation from Industrial Corridor to Low Density Residential and (2) Change the Zoning District from Industrial (I) to Single-Family Residential (RSB6) – The Property Location is 2849 Baumberg Avenue.
3. **Zone Change Application 99-190-04 (University Court) – Initiated by the Planning Director:** Request to change the zoning from RS (Single-Family Residential) District to RSB10 (Single-Family Residential and Special Lot Standards Combining) District – The subject properties are located along University Court generally between Campus Drive and Highland Boulevard.

PUBLIC HEARINGS

1. **Use Permit UP 00-160-03 – Enterprise Rent-a-Car (Applicant), Jose Caloca (Owner) –** Request to Operate a Satellite Auto-Rental Office to Service Dealership Accounts and Other Customers – The property is located at 24518 Mission Blvd., easterly side in a CG-SD2 (General Commercial – Mission Corridor Special Design Overlay District No. 2) Zoning District.

Senior Planner McClellan described the application, the present location, its environs and the proposed changes to the existing building on Mission Boulevard. He also described the proposed signage for the building. He indicated it is a satellite office for a long-time Hayward business.

Commissioner Bennett asked whether the other Enterprise locations would be closing. Senior Planner McClellan responded that they would not be closing any of the business. This is merely a consolidation of their administrative services.

The public hearing was opened at 7:46 p.m.

Chris Sbarbaro, Enterprise Rent-a-Car, 2550 Monument Boulevard, Concord, spoke to the need for more office space for the agency. He indicated that they are not meeting the standards they would like. He said he was working with staff in developing the Spanish theme for the building, and what they have developed should be a great match for the building next door. He added that City staff members have given them some great ideas.

The public hearing was closed at 7:52 p.m.

Commissioner Zermeno **moved**, seconded by Commissioner Williams to support the application with its findings and conditions. The **motion passed unanimously** with Commissioners Caveglia and Halliday absent.

2. General Plan Amendment 00-110-01 and Zone Change Application 99-190-02 -- David Finger of New Look Properties, L.L.C. (Applicant/Owner) - Request to (1) Amend the General Plan Designation from 'Industrial Corridor to Low Density Residential and (2) Change the Zoning District from Industrial (I) to Single-Family Residential (RSB6) - The Property Location is 2849 Baumberg Avenue.

Planning Manager Anderly explained that under State law four General Plan Amendments are allowed each year so this application would be allowable. She noted that the applicant describes the proposal as a continuation of the present situation since, at present, all of the buildings on this block are homes. She added that staff recommends denying the amendment and zone change since this would further denigrate the Industrial area. Staff believes it is still viable, to have Industrial zoning in that area.

Commissioner Williams asked how the Industrial zoning would affect current residents if they needed to rebuild.

Ms. Anderly responded that the current zoning would not be implemented if residents rebuilt within six-months. It would also depend on the degree of loss to the structure.

The public hearing opened at 8:03 p.m.

David Finger, 6114 LaSalle Avenue, Suite #103, Oakland, applicant, explained that the



property consists of an old farmhouse that needs work. He bought it with the intention of fixing it up. He was not told about the zoning on the property and the illegal lot split. He pointed out that this home is in the middle of the block and that there are no businesses in the immediate vicinity.. He added that these five homes were grandfathered in with the rezoning in 1968 and have been used for residential purposes. He said the neighbors support this application.

Commissioner Williams asked how the title report explained the illegal lot split.

Mr . Finger said it was not discovered until the City of Hayward notified them some months ago.

As to the zoning on the property, Mr. Finger indicated that he was not even sure if the neighbors knew about it. He added that he knows he has grounds for a lawsuit. However, he would prefer not to go that way.

Mike Groeniger, 27750 Industrial Boulevard, stated that he owns the property adjacent to the applicant's. He said he opposed changing the property to Residential since pushing Industrial against Residential would not work for either party. He said the present situation would continue to work well until the houses are sold.

Joseph Belchier, no address given, said he owns three homes in the area. He knew the zoning was Industrial but did not care. He added he would like to leave things the way they are,

The public hearing closed at 8:13 p.m.

Commissioner Bennett said the residents of properties located in the Industrial area are not usually pleased with their situation. There should be a buffer between areas. She noted that this should continue Industrial and **moved**, seconded by Commissioner Bogue, to deny the application. She added the findings for denial to her motion.

Commissioner Bogue noted that in the past there has been a great deal of conflict between Industrial users and residents in the same area. He added that it makes sense to retain the Industrial designation in this area. It was the right decision to make at the time, and the reasoning is still sound.

Commissioner Williams said he would support the motion since this area should be Industrial zoning. He stated the more Industrial is needed in that area.

Commissioner Zermeño said he would also support the motion since the neighborhood wanted to maintain the Industrial designation for the area.

Chairperson Fish agreed that since the Task Force wanted the zoning this way, the Commission should maintain that status. He indicated that the applicant has other resources to pursue.

The application was denied when the **motion passed unanimously 5:0, with Commissioners Caveglia and Halliday absent.**

3. Zone Change Application 99-190-04 (University Court) – Initiated by the Planning Director: Request to change the zoning from RS (Single-Family Residential) District to RSB10 (Single-Family Residential and Special Lot Standards Combining) District – The subject properties are located along University Court generally between Campus Drive and Highland Boulevard.

Associate Planner Patenaude described the proposal as having been referred from City Council. He noted that the proposed zone change would affect properties along University Court, which would be rezoned from RS to RSB10. He added that this seems to be the next logical step in the area to retain the neighborhood character. The majority of parcel sizes range from 20,000 to 50,000 square feet. With this change subdivision could only occur in three of the newly zoned lots rather than the present seven. He remarked that staff recommended approving the Negative Declaration and the zone change.

Commissioner Zermeño noted that there was a petition asking for the exclusion of one parcel and wondered if that was normal.

Associate Planner Patenaude responded that Lot 27 currently has two homes on the lot and it is the owners desire to divide the two homes into two separate lots in the future. However, one lot would be non-conforming with less than 10,000 square feet. He suggested the logic of this exemption since the adjoining lots to Lot 27 are smaller. He noted that, if excepted, this lot would remain RS, in the area of other RS zoned lots.

Commissioner Bogue expressed concern about clustering units on the property, if they were exempted.

Associate Planner Patenaude said it would be difficult with the location of the present units on the site. The land slope falls quite dramatically, making any subdivision difficult.

The public hearing opened at 8:27 p.m.

Ian Neff, owner of Parcel 27, said he wanted an exception since his goal is to divide the lot for the two houses on it.

Tom Evans, owner of Lot 26, said he favored either leaving Lot 27 at the present zoning or dividing the lot into two. He commented that builders in the hills need to stop cutting down the trees in the area.

The public hearing closed at 8:35 p.m.



Planning Commissioner **Bennett** moved, seconded by Commissioner Zermeño, to refer the application to the City Council with the **recommendation** to approve the Negative Declaration and the Zone Change Application with the attached findings, and to exclude Lot 27 from the rezoning.

Commissioner Bogue asked whether the exclusion would be in keeping with the Task Force recommendations for the area and if the owner could rezone to a Planned Development if that was his wish.

Associate Planner Patenaude responded that they could ask for one but would have to come back to the Commission for permission, but a favorable recommendation might be difficult since it would affect the rural atmosphere of the area.

Planning Director Anderly then reminded members that zoning lines do not have to follow property lines. Each house on **Lot 27** could be zoned separately. She said the rear of the lot could be zoned RSB10.

Commissioner Bogue asked for a substitute amendment requesting that staff study a recommendation to present to Council of a lot split on Lot 27 with different lines. This was accepted.

The motion amended to exclude lot 27 and ask Staff to consider recommending to Council only a partial lot split passed unanimously, 5:0, with Commissioners Caveglia and Halliday absent.

ADDITIONAL MATTERS

4. Oral Report on Planning and Zoning Matters

Planning Director informed members that their packets for the June 29" meeting would be delivered on Friday, June 23.

5. Commissioners' Announcements, Referrals

There were no announcements or referrals.

6. Presentation to Linda Bennett

Chairperson Fish made presentation of two commendations to Commissioner Bennett, thanking her for her years of service to the City of Hayward, both on the Task Force and on the Planning Commission.

DRAFT

Commissioner Bennett thanked staff for their support throughout the years and said she had enjoyed her time serving on the Commission. She noted that she had no regrets for any of her previous decisions.

MINUTES

- None

ADJOURNMENT

The meeting was adjourned by Chairperson Fish at 8:50 p.m.

APPROVED:

Roger Fish, Chairperson
Planning Commission

ATTEST:

Edith Looney
Commission Secretary

DRAFT

*me
7/5/00*

ORDINANCE NO.

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTIES
LOCATED ALONG UNIVERSITY COURT **GENERALLY**
BETWEEN CAMPUS DRIVE AND HIGHLAND
BOULEVARD PURSUANT TO ZONE CHANGE
APPLICATION **99-190-04**

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Reclassification.

Zone Change Application No. **99-190-04** concerns a request by the Planning Director to reclassify property located along University Court generally between Campus Drive and Highland Boulevard, by rezoning such property **from** RS (Single-Family Residential) District to **RSB10** (Single-Family Residential and Special Lot Standards Combining) District thereby increasing the minimum lot size from 5,000 square feet to 10,000 square feet in the project area which consists of approximately 8.8 acres and includes all properties on both sides of University Court from Campus Drive on the north to Quail Canyon Court on the south, just north of the intersection with Highland Boulevard and omitting the parcel known as Lot 27 (see map Exhibit A).

The City Council has previously adopted Resolution No. , approving a negative declaration and conditionally approving Zone Change Application No. **99-190-04**. Based on such findings and determinations, the City Council hereby approves the rezoning from RS (Single-Family Residential) District to RSB10 (Single-Family Residential and Special Lot Standards Combining) District thereby increasing the minimum lot size from 5,000 square feet to 10,000 square feet in the project area which consists of approximately 8.8 acres and includes all properties on both sides of University Court from Campus Drive on the north to Quail Canyon Court on the south, just north of the intersection with Highland Boulevard and omitting the parcel known as Lot 27 (see map Exhibit A).

In addition, the City Council also directs the Director of Community and Economic Development to amend the Zoning District Index Map on file **with** the Clerk and the Community and Economic Development Department in accordance with the reclassification approved by this Ordinance.

Section 2. Effective Date,

In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held
t he day of _____ , 2000, by Council Member _____

ADOPTED at a regular meeting of the City Council of the City of Hayward held the
____ day of _____ , 2000, by the following votes of members of said City
Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

mal
7/5/00

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING THE ZONE CHANGE
APPLICATION NO. 99-190-04 AND ADOPTING THE
NEGATIVE DECLARATION RELATIVE TO PROPERTIES
LOCATED ALONG UNIVERSITY COURT GENERALLY
BETWEEN CAMPUS DRIVE AND HIGHLAND
BOULEVARD

WHEREAS, Zone Change Application No. 99-190-04, initiated by the Planning Director, requests a change in the zoning from RS (Single-Family Residential) District to **RSB10** (Single-Family Residential and Special Lot Standards Combining) District thereby increasing the minimum lot size from 5,000 square feet to 10,000 square feet in the project area which consists of approximately 8.8 acres and includes all properties on both sides of University Court from Campus Drive on the north to Quail Canyon Court on the south, just north of the intersection with Highland Boulevard and omitting the parcel known as Lot 27 (see map Exhibit A); and

WHEREAS, the proposed change will have no significant impact on the environment, cumulative or otherwise, and the Negative Declaration has been prepared and processed in accordance with the City and the California Environmental Quality Act guidelines; and

WHEREAS, the Planning Commission considered this matter at its meeting of June 22, 2000, recommended approval of the application, and the record of its action is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, the Planning Commission has referred the matter to the City Council; and

WHEREAS, the City Council has considered the reports of the Planning Commission and City staff, and the comments made at a public hearing held on May 30, 2000; and

WHEREAS, the City Council hereby finds and determines, based on the staff report, other documents, and comments submitted at the May 30, 2000, public hearing that:

1. The negative declaration conforms with the requirements of the California Environmental Quality Act and reflects the independent judgment of the City Council.

2. The Council finds that the proposed change will promote the public health, safety, convenience and general welfare of the residents of Hayward, and the residents of the subject neighborhood specifically, as it confirms to the natural conditions and access restrictions in the subject area.
3. The Council finds that the proposed change will further implement the goals and objectives of the General Plan and the Hayward Highlands Neighborhood Plan by establishing residential densities that better reflect the natural environment and retain the semi-rural character of the Highland-Morse-Modoc area.
5. The Council finds that the streets and public facilities, existing or proposed are adequate to serve all uses permitted when the subject properties are reclassified.
6. The Council finds all uses permitted when the properties are reclassified will be compatible with present and future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations.
7. The Council finds that Lot 27 should be omitted from consideration of the subject zone change as it is not likely this lot would be further developed, given the existing development and terrain conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the findings noted above, hereby adopts and approves the Negative Declaration and zone change specified in Zone Change Application No. 99-190-04, and omits Lot 27 from this zone change.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2000.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward