

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/11/00
AGENDA ITEM 6
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Appeal of Planning Commission's Action Denying General Plan Amendment 00-110-01 and Zone Change Application No. 99-190-02 - David Finger of New Look Properties, L.L.C. (Appellant) - 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 is Located at 2849 Baumberg Avenue

RECOMMENDATION:

It is recommended that the City Council approve the Negative Declaration and deny the General Plan Amendment and Zone change request.

DISCUSSION:

The parcel, 2849 Baumberg Avenue, is approximately 7,920 square feet and is zoned Industrial, where the minimum required lot area is 10,000 square feet for industrial land. The General Plan Map designation for the property is Industrial Corridor.

In 1957, the area called the "Baumberg Annexation" was made a part of the City of Hayward. The area east of Industrial Boulevard, including the subject parcel, remained a single-family residential zone (RSB6).

In 1968, the City Council changed the zoning on the southerly portion of Baumberg Avenue, including subject property, from Single-Family Residential (RSB6) to Industrial. The intent was to zone to Industrial all properties having frontage on both Industrial Boulevard and Baumberg. At that time the subject property had frontage on both Baumberg Avenue and Industrial Boulevard.

Some time after the 1968 rezoning from RSB6 to I, the parcel was illegally split in two, with one lot fronting on Industrial Boulevard and the subject lot fronting on Baumberg Avenue. The subject parcel became approximately 7,920 square feet according to County Tax Assessor data. Under the City of Hayward's 1960 Subdivision Ordinance, this lot split should have been processed and reviewed by the City, It would have been denied because it would have created a parcel less than the required 10,000 square feet for industrial lots. Instead it was illegally

recorded without the City's knowledge. Subsequently the Planning Commission found that the lot was created illegally, and a Notice of Violation was filed with the County Recorder on March 23, 2000. As such, the Zoning Ordinance prohibits development of the property and applications for building permits would be denied.

In 1996 the City Council appointed the Glen Eden Task Force to prepare a neighborhood plan. The clear intent of the Task Force was to reconfirm previous Industrial zoning decisions for Baumberg Avenue.

The applicant, David Finger of New Look Properties, L. L.C. purchased the subject parcel in April 1999 with the objective of rehabilitating an abandoned, dilapidated residential structure and selling it as a residential use, which is non-conforming in the Industrial District. The residence had not been occupied at that time for more than six months, so the residential use of the land lost its non-conforming status. However, the applicant is still seeking to rehab the dwelling.

One of the applicant's options, per the State Subdivision Map Act, is to return the illegally created parcel to the previous owner. Another option would be to make the parcel legal. This could be done one of three ways. One would be to sell the parcel to an adjoining property owner and merge the two. Another possibility would be to purchase sufficient adjoining property in order to make the subject parcel a minimum of 10,000 square feet. Finally, Mr. Finger could seek approval of a General Plan amendment and zone change from "Industrial" to a residential designation although, as mentioned above, this strategy would be inconsistent with previous City actions. This last option is being pursued by the applicant.

The Planning Commission, at its June 22, 2000, public hearing denied the requested change in the General Plan and Zoning designations. In appealing the Planning Commission's action, the appellant claims that the Commission's decision was inappropriate in that the highest and best use of the properties along Baumberg is residential and that no industrialist would pay the price of the properties for industrial purposes. He also says that if his property is zoned Industrial, it would likely be the only one on the street used for such purposes (see Exhibit B). Staff is aware that the purchase price of the property was low and that, in fact, the adjacent industrialist is interested in purchasing the property from the applicant. If this event were to occur, access would be via Industrial Boulevard. During the Planning Commission hearing, the owner of residential properties on Baumberg Avenue to the south of subject property, indicated he preferred to remain zoned Industrial, and the owner of the adjacent industrially developed parcel also spoke against residential general plan and zoning designations.

In his letter to the Planning Commission, the applicant states, "*In 1968, our property and four others on this street were zoned industrial, although to this date, all five of these properties have been used for residential purposes. There are no industrial businesses operating on this street. Except for a church, this is a residential street, and the residents of this neighborhood prefer it to remain residential.*"

Baumberg Avenue residents signed a petition to retain residential uses. They indicate that are opposed to traffic and parking problems associated with industrial uses. This is not necessarily the case because the subject site and the other non-conforming residential dwellings south of Mr.

Finger's property will someday likely be integrated with the adjacent industrial businesses and be accessed via Industrial Boulevard. This is what is envisioned in the General Plan and Glen Eden Neighborhood Plan and will presumably occur because the limited size and depth of these lots makes them difficult to development with industrial uses oriented to Baumberg Avenue. Therefore, if these properties are developed with industrial uses, the additional traffic and parking impacts will most likely impact Industrial Boulevard and not Baumberg Avenue.

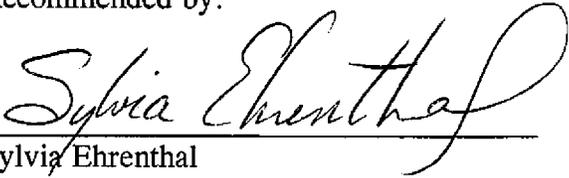
Mr. Finger also makes an argument that if his application is approved, it will simply lengthen the string of residentially zoned properties on Baumberg Avenue. This is correct and therefore granting it would not create a spot zone. However, it would preclude the adjacent industrial area from expanding as the General Plan calls for and would increase setback requirements on adjacent industrial land. Groeniger & Company, an Industrial Boulevard business, backs up to the site.

The purpose of the Industrial Zone is to promote and encourage the development of industrial uses in suitable areas. General Plan policies stress the importance of protecting and developing suitable locations for business uses. For example, Policy V-12 states "The City will seek to maintain the efficiency of the Industrial Corridor with road and transit improvement and encouragement of appropriate land use." Strategy 1. Calls for the City to "Limit non-industrial uses in the Industrial Corridor which would interfere with the primary use of the area as industrial land." Granting the request to designate and zone this parcel for residential would result in limiting the use of adjacent industrial properties.

Prepared by:


Dyana Anderly, AICP
Planning Manager

Recommended by:


Sylvia Ehrental
Director of Community and Economic Development

Approved by :


Jesús Armas, City Manager

Attachments :

- Exhibit A Draft Planning Commission Meeting Minutes dated June 22, 2000
- Exhibit B Letter of Appeal dated June 23, 2000
- Exhibit C Letter from David Finger dated May 8, 2000
- Exhibit D Petition Supporting Residential Zoning
- Exhibit E Letter from Michael Groeniger dated April 7, 2000
- Exhibit F Negative Declaration and Initial Study
Draft Resolution

6.27.00

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 00-1X0-01 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 Zermeiio 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 RSB 10 (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 Zermeiio 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.

**New Look Properties, L.L.C.
6114 LaSalle Avenue, Suite #103
Oakland, Ca. 94611
Office:(510) 339-3068**

June 23, 2000

Ms. Dyana Anderly
Planning Manager
Planning Department
City of Hayward
777 B Street
Hayward, CA. 94541-5007

sent via Fax (510) 583-3643

re: Gen. Plan Amendment & Zone Change Application for 2849
Baumberg Avenue, Hayward.

Dear Ms. Anderly;

Thank you for presenting our application to the Hayward Planning Commission. We were disappointed in their decision, but we are blaming ourselves for not doing a better job getting our points across to these individuals.

It was my impression that the Planning Commission's decision was based on the future hope that the remaining 4 parcels would soon become used for industrial purposes. Based on current uses, current zoning, and current market real estate prices, we do not feel that this will ever happen. The highest and best use of these properties is for residential real estate. These properties are worth far more with houses situated upon them (which is the current use) than they would be as an industrial use. No industrial user could afford to pay their present market value for their current use, and convert it to an industrial use.

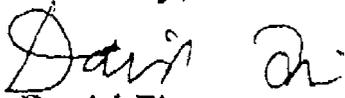
It is for this reason that none of them will ever be sold directly to an industrial user, The only hope of any of them being converted to an industrial use is if any of them becomes vacant for 6 months or more, or are significantly destroyed. The chances of these occurrences are very minimal, and in the last 32 years, only our house has experienced one of these events. If you look at the law of averages, it will be a very long time until one of these houses experiences One Of these events again. If our

property is used for Industrial purposes, it is very likely that it will be the only industrial use on that street during our lifetimes.

The neighborhood wants our property to continue to be used for residential purposes. It is for this reason that we would like to appeal the Planning Commission's decision, and have our case heard by the Hayward City Council in July.

Thank you for your consideration.

Sincerely,


David Finger

RECEIVED

MAY 26 2000

PLANNING DIVISION

New Look Properties, L.L.C.
6114 LaSalle Avenue, Suite #103
Oakland, Ca. 94611
Office:(510) 339-3068

May 8, 2000

Mr. Phil Block
Planning Department
City of Hayward
777 B Street
Hayward, CA. 94541-5007

sent via U.S. Mail

re: 2849 Baumberg Avenue, Hayward

Dear Mr. Block;

AS the owner of the above property I wanted to write to you this letter in hopes of it being included in your staff report for our residential zoning change application.

As you know, we bought this property in April of last with year with the intention of repairing the existing house. Shortly after I purchased the property, I found that it was zoned industrial. The fact that this house had sat vacant for more than 6 months disallowed it's residential use.

In 1968, our property and four others on this street were zoned industrial, although to this date, all five of these properties have been used for residential purposes. There are no industrial businesses operating on this street. Except for a church, this is a residential street, and the residents of this neighborhood prefer it to remain residential.

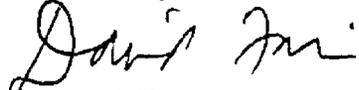
I do not know why these few properties were zoned industrial 30 plus years ago, but it doesn't seem to make much sense today. Our neighboring property to the north is zoned residential, yet we are zoned industrial. There is not an overwhelming desire for industrial businesses to operate on small lots like ours, so why break up a neighborhood.

If our application is approved, it will simply lengthen the string of residentially zoned properties on this street.

There is a strong neighborhood association in this area that heavily favors a residential zoning for this property. They don't see why their comfortable living area should be intruded upon by commercial uses.

I hope that the planning commission strongly considers our application.

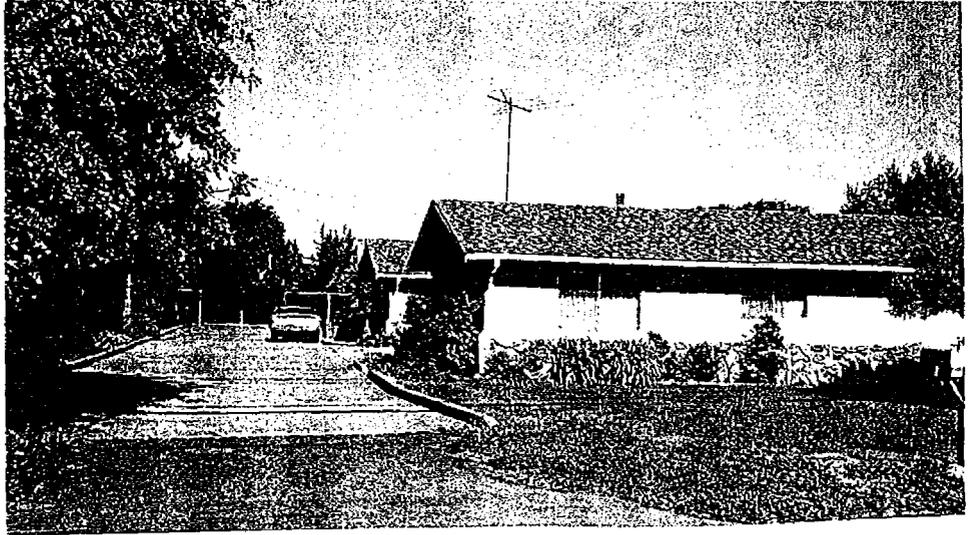
Sincerely,


David Finger

Neighborhood Photos

2844, 2846, 2850 Baumberg

These 3 houses are located directly across the street from the subject property.



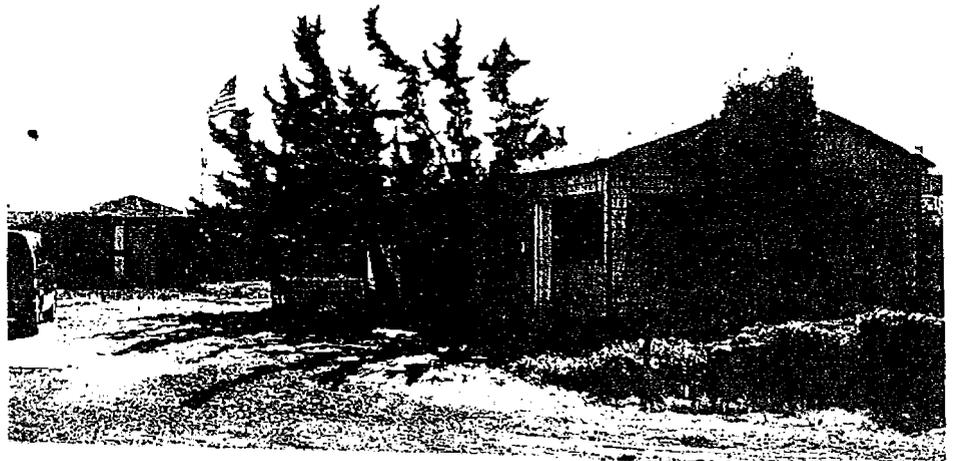
2836 Baumberg

This beautiful Queen Anne Victorian is located directly across the street from subject property.



2849 Baumberg

Subject Property. Green house with detached garage back on the left hand side.



Neighborhood Photos

2869, 2863, 2859 Baumberg

These 3 houses are located adjacent to the subject property, on it's south side.



2837A, 2837B Baumberg

These 3 houses are located adjacent to the subject property on it's north side.



View of Neighborhood



To whom it may concern,

We the residents of Baumberg Avenue, do hereby request that the property located at 2849 **Baumberg**, remain zoned as residential property only.

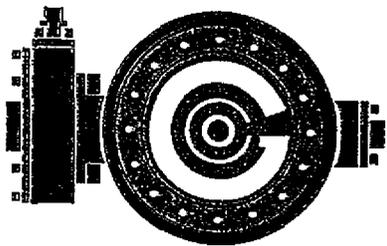
We feel that the street layout would not be able to accommodate increased traffic and parking that industry **would** bring. The street is narrow and does not have curbs or gutters. Also, the property owners would not want their property values affected by the addition of industrial zoned property to the neighborhood.

Baumberg Avenue is a quiet residential neighborhood and we wish it to remain so.

Sincerely,

The residents of Baumberg Avenue

Patricia L. Bonchillo 2863 Baumberg Ave.
Marquerite W. Stone 2869 Baumberg Ave.
José Luis Ferrer 2881 Baumberg Ave.
Andrew McCall 2880 Baumberg Ave.
John L. Lister 2837A Baumberg Ave.
Joyce Ferns Ray 2810 Baumberg Ave. Hayward, Ca 94545
Mr & Mrs. Charles Clark 2802 Baumberg Ave Hayward 94545
Mr & Mrs. Aurelio Carrillo, Jr. 2803 Baumberg Ave. Hayward 94545
Claudine Emali 2813 Baumberg Ave Hayward 94545
Jolene Hoffman 2859 Baumberg Ave Hayward 94545
Susan Malone 2850 Baumberg Ave Hayward 94545
Carmen Jimenez 2844 Baumberg Ave Hayward 94545
Patricia Jimenez 2854 Baumberg Ave.
Mr & Mrs. Steven R. Christman
Mary & Cathy Hayden 2801 Baumberg Ave. Hayward 94545
Joseph Vilde 24928 Diagon Dr Hayward 94545
Mike & Helbet Jover 2846 Baumberg Ave



Groeniger & Company

POST OFFICE BOX 3629, HAYWARD, CA 94540-3629
(510) 786-3333

Hayward • Modesto • Fresno • Santa Rosa
Sacramento • Roseville • Bakersfield • Salinas

RECEIVED

April 7, 2000

APR 10 2000

PLANNING DIVISION

Mr. Phil Block
Associate Planner
City of Hayward Planning Division
777 "B" Street
Hayward, CA 94541

Re: Zone Change (99-1 90-02)
General Plan Amendment (00-11 O-01)

Dear Mr. Block:

Pursuant to our telephone conversation on April 6 and receipt of the Official Notice on this matter, I feel any changes in the zoning designation would be detrimental to the area and to me as an industrial property owner and user.

On several occasions I have talked to Mr. Finger, the property owner at 2849 Baumberg, regarding purchasing his property. It has always appeared Mr. Finger thought he was dealing with residential property and had no wish to see it as industrial usage.

The properties to the south of 2849 Baumberg are non-conforming residences. In one case two houses are on one lot. There is no curb, gutter or sidewalk. We have been told the sewer lines from those houses run under our property and connect to the Industrial Boulevard sewer main.

Any changes in the zoning from industrial to residential would be extremely detrimental to us and the others along Baumberg because of the lack of proper setbacks to install sound walls and landscaping corridor as the city requires between residential and industrial properties.

If you have any questions regarding my position on this matter, please call me at the above Hayward number.

Yours truly,

M. H. Groeniger, Sr.
President

MHG:sjj



**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 Quaky Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

General Plan Amendment 00-11 O-01 and Zone Change Application 99- 190-02 - David Finger of New Look Properties, L.L.C. (Applicant/Owner) Request to Amend the General Plan designation from Industrial Corridor to Low Density Residential and Change the Zoning District from Industrial (I) to Single-Family Residential (RSB6) in order to rehabilitate and utilize a non-conforming single-family dwelling on an approximately 7,920 square foot non-conforming lot, Property is located at 2849 Baumberg Avenue. It is in the southwestern part of Hayward, north of Industrial Boulevard and south of Arf Avenue: on the west side of Baumberg Avenue.

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:

1. 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.
2. Existing streets in the area and existing utilities are all adequate to serve the proposed single-family residential dwelling.
3. The project will not affect population projections, induce substantial growth or displace existing housing.
4. The existing dilapidated single-family dwelling on the site was previously occupied. Therefore the land has been previously disturbed and covered such that there will be no

significant change in absorption rates, drainage patterns or amount of surface runoff, nor will there be any effect on endangered, threatened or rare biological species or wildlife habitats.

5. Construction related to this project would be designed to perform to applicable codes, and, therefore, would not be in conflict with adopted energy conservation plans.
6. The Fire Department will require appropriate measures to reduce any risk to human life or health.
7. The project will have no effect on government services or utilities.
8. No known archaeological or paleontological resources exist on the project site.

IV. PERSON WHO PREPARED INITIAL STUDY:

Philip W. Block

Philip W. Block, Associate Planner

Dated: June 2, 2000

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4209

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: General Plan Amendment 00-110-01 & Zone Change No. 99-190-02
2. Lead agency name and address: City of Hayward, 777 B Street, First Floor, Hayward, CA 94541-5007
3. Contact person and phone number: Phil Block, Associate Planner, (510) 583-4209
4. Project location: 2849 Baumberg Avenue, between Arf Avenue and Industrial Boulevard
5. Project sponsor's name and address: David Finger of New Look Properties, 6114 La Salle Ave. #103, Oakland, CA 94611
6. General plan designation: Industrial Corridor 7. Zoning: Industrial (I)
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.) Request to (1) amend the General Plan designation from Industrial to Low Density Residential, and (2) amend the Zoning district from Industrial (I) to Single-family Residential (RSB6).
9. Surrounding land uses and setting: Briefly describe the project's surroundings: It is north of Industrial Boulevard and south of Arf Avenue on the west side of Baumberg Avenue. North and west of this property are single-family dwellings. To the south are non-conforming single-family dwellings and East are industrial uses.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) 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.

- Aesthetics
Biological Resources
Hazards & Hazardous Materials
Mineral Resources
Public Services
Utilities / Service Systems
Agriculture Resources
Cultural Resources
Hydrology / Water Quality
Noise
Recreation
Mandatory Findings of Significance
Air Quality
Geology /Soils
Land Use / Planning
Population / Housing
Transportation/Traffic

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 EJR 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.

Philip W. Block

Signature

6.2.00

Date

Phil Block
Printed Name

City of Hayward
Agency

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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I. AESTHETICS – Would the project:

- | | | | | |
|--|--------------------------|---|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | c l | <input 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? | • 7 | c l | cl | <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 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 are no scenic vistas or highways adjacent to or near the project site. Any rehabilitation or new single-family home that would be constructed on the site will be subject to the same City review requirements as other single-family homes in the City. This includes architectural and aesthetic review. Since the use will not change from what currently exists at the project site, no substantially new or altered light or glare will occur other than what can already be expected at the site. All single-family projects (and other types of projects in the City) are subject to compliance with City lighting and security ordinance standards.

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? | c l | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |

The site has been previously completely developed with a single-family dwelling. No farmland will be lost or impacted. There will be no impact on agricultural zoning or Williamson Act contracts.

<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 checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If the project is approved and the existing house is rehabilitated or if the existing house is demolished and a new house is constructed, pollutants or odors may enter the air with normal construction activities. However, the City has specific standards in place to alleviate dust and other particulate matter during construction and demolition. These standards are applicable to all projects in the City.

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 checked="" 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"/> |

	Potentially Significant impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant impact	No Impact
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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located within a locally designated habitat and no locally designated species have been identified at the site or in the area. The project site is also not located within a wetland habitat or wildlife area. This section of the City has been fully developed for more than 30 years.

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 checked="" 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 checked="" 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"/>

No paleontological or archeological resources have been identified at the project site. This area of the City has been urbanized for many years dating back to the 1920s and 1930s. The project site or the immediately surrounding area also does not contain any unique cultural resources and the site does not contain religious or sacred uses. The house has been located on this site since the 1940s.

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"/>	c 1	a	<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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<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) 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"/>
d) Be located on expansive soil, as defined in Table 18-1-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"/>

The site is not located within an earthquake fault area and is not subject to landslides.

The proposed project will not create a physical change to the environment, because the property already has a complying use with the new designations. If the existing house is demolished and a new single-family home is built, no effect will be placed on geology other than the construction of a single-family home anywhere else in the state. It would not cause soil erosion.

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 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 airstrip, 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"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation incorporation	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" 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"/>	a	<input type="checkbox"/>	<input type="checkbox"/>

There would be no changes in the use of the property if the project were approved. Therefore, there would be no increase in the risk of an explosion and there would be alteration to any type of evacuation plan. The risk of fire hazard may actually decrease, because any rehabilitation of any new construction would be required to comply with the latest Un form Fire Code and the National Fire Protection Act.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	<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 checked="" type="checkbox"/>	<input 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 l	<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 type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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j) Inundation by seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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With the change in land use designation from Industrial to Single-family residential, no change in absorption rates will occur and there will be no alteration to drainage pattern because the use on the property now is a single-family use. The rehabilitation of the existing house or the demolition of the house with a new replacement house will not expose persons to flooding and no changes in the amount of surface water will occur, because the City's development standards regarding lot coverage and grading apply to the existing house as well as to any new home to be built on the property. The environmental situation that exists today will remain unaltered or slightly altered after the approval of the project.

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The site is designated on the General plan map and Zoning Map as Industrial Corridor and Industrial respectively. The applicant desires to utilize a non-conforming single family residence on the site which is not consistent with the industrial Corridor designation or permitted in a Industrial Zone District. Therefore the applicant has requested to amend the General Plan designation from Industrial Corridor to Low Density Residential and change the Zoning District from Industrial (I) to Single-Family Residential (RSB6). Limited environmental impacts will result from the change because it will allow a dwelling unit adjacent to an industrial use. If the project is approved Site Plan review will be necessary. At that time issues such as setbacks, landscape buffers, etc. will be addressed.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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There are no agricultural resources on the property or in the vicinity of the property. The project does not conflict with any habitat conservation plans.

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

*The existing use of a single-family home will be no different than any future use, if the project is approved. Therefore, no energy plans will be compromised and mineral resources will not be depleted any more than what exists **now** at the project site.*

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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <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? | <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 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"/> |
| 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"/> |

*Since there would be **no change in the use of the property with the zone change to single-family residential, there would be no increase in noise levels normally associated with a single-family home. However, people residing in the single-family dwelling will be exposed to less than a significant level of noise and possible ground-borne vibrations.***

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

The population projections will not be exceeded, because the use is already a single-family home. The General Plan amendment and Zone change will merely bring those designations into compatibility with the existing land use. The density is not proposed to increase, because the proposed General Plan designation of Low Density Residential and Zone designation of Single-family Residential are the lowest density residential designations that the City has for its urbanized areas. If the changes are approved, the existing house will either be rehabilitated or a new home will replace the existing house. No matter which option is pursued by the applicant, the number of units at the property will remain the same as currently exists.

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 checked="" 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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As stated throughout this Initial Study, there will be no change in land use with the approval of the project (the project being the change of General Plan designation and zoning to single-family residential designations). The land use is now a single-family home and with the designation changes the land use will remain a single-family home. Therefore, there will be no increase or change to public services or other types of governmental services, including school enrollment.

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? | a | <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 checked="" type="checkbox"/> |

Since there will be no change in land use with the approval of the project, there will not be an increased demand for recreational facilities, including park land. The land use is now a single-family home and with the designation changes, the land use will remain a single-family home.

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 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 type="checkbox"/> | <input 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? | c 1 | <input type="checkbox"/> | <input type="checkbox"/> | <input 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | | <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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The existing single-family use generates approximately 10 vehicle trips per day. With the approval of the project, which is the redesignation of the existing Industrial land use to a single-family land use, the only use on the property could be a single-family home. This would generate the same amount of traffic that exists now. No new roadway design features are proposed as part of the project and emergency vehicle access routes would not be altered. If the house is rehabilitated and no new rooms are added, then the existing single-car garage would suffice. If at least one room is added or if a new home is constructed on the property, a two-car enclosed garage will be required. The lot is substantially larger than the typical size -lot in the City and there will be adequate room to construct a new garage.

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

There will be no change in land use with the approval of the project. The land use is now a single-family home and with the designation changes the land use will remain a single-family home. Therefore, there will be no need for an increase or change to utilities for the project site.

<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 --

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

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HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION DENYING GENERAL PLAN AMENDMENT
00-110-01 AND ZONE CHANGE APPLICATION NO. 99-190-
02 OF DAVID FINGER OF NEW LOOK PROPERTIES,
L.L.C., APPLICANT/OWNER OF PROPERTY LOCATED AT
2849 BAUMBERG AVENUE

WHEREAS, General Plan Amendment 00-110-01 and Zone Change Application No. 99-190-02, initiated by David Finger of New Look Properties, L.L.C., applicant/owner, requests an amendment of the General Plan designation from Industrial Corridor to Low Density Residential and a change in the Zoning District from Industrial (I) to Single-Family Residential (RSB6) in order to rehabilitate and utilize a non-conforming single-family dwelling on an approximately 7,920 square foot non-conforming lot located at 2849 Baumberg Avenue, in the southwestern part of Hayward, north of Industrial Boulevard and south of Arf Avenue, on the west side of Baumberg Avenue; and

WHEREAS, the proposed change will have no significant impact on the area's resources, 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 denial 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's action has been appealed to the City Council; and

WHEREAS, the City Council hereby finds and determines, based on the staff report and all information submitted to Council:

1. The application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment therefore it is determined that adoption of a Negative Declaration is the appropriate action.

2. The proposed land use and zone change will not promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it will reduce land available for industrial development that provides employment opportunities and contributes to the City's tax base.
3. The proposed land use and zone change is inconsistent with the City's General Plan and Economic Development Policies, and the Glen Eden Neighborhood Plan and in that the policies call for the site to be developed with industrial uses in order to create employment opportunities, generate public revenue and improve Hayward's economy.
4. The single-family residential use would not be compatible with the adjacent industrial business and would limit industrial expansion.

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 denies General Plan Amendment ~~00-110-01~~ and Zone Change Application No. 99-190-02.

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