



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 05/20/03
AGENDA ITEM 5
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Text Change Application PL-2003-0175 - Initiated by the Planning Director - Request for an Amendment to the Zoning Ordinance Relative to Expiration of Discretionary Permits and Miscellaneous Clarifications and Corrections, Including Definition of a Garage, Bedroom, Home Occupation, Household Pets and Livestock *et. al.*

RECOMMENDATION:

The Planning Commission (6:0:1 absent) and staff recommend that the City Council approve the attached resolution, adopt the Negative Declaration and introduce the attached ordinance.

DISCUSSION:

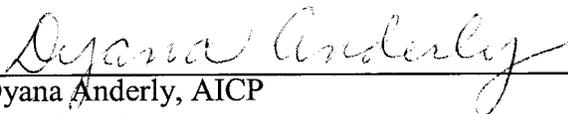
On April 10, 2003, the Planning Commission reviewed proposed amendments to the Zoning Ordinance initiated by the Planning Director. The attached Planning Commission report (*Exhibit A*) identifies and discusses the proposed changes. The amendments are minor in nature and are intended to clarify standards and uses or correct errors and omissions in the Zoning Ordinance.

Within the Medium Density Residential District, the minimum lot size requirements allows for lots associated with townhouses to be coterminous with the dimension of the townhouse and the small yard associated with it. One of the proposed amendments is to extend this standard to the High Density Residential (RH) and Commercial Office (CO) zoning districts. Currently, the minimum lot size in the RH and CO zoning districts is 7500 and 5000 square feet respectively, which could not be applied to a lot under a townhouse. A minor, associated clarification requires that townhouses are *attached* units only. As opposed to townhouses, condominiums are permitted without regard to lot size because, legally, only the air space in the structures is owned by the homeowners.

The Council may recall amending the off-street parking regulations to require two car garages when bedrooms are added to existing homes or when substantial expansions occur. This arose from a concern about inadequate parking in neighborhoods. In many instances, staff has found it difficult to apply this requirement when plans reflect dens, prayer rooms and offices that could easily be converted to bedrooms. In addition, in order to avoid the requirement for a two-car garage, some homeowners have intentionally relabeled their plans that had previously indicated a bedroom, to reflect a den or other use. The recommended change allows the Planning Director to use discretion in determining whether a room addition is, or could reasonably be used as, a bedroom if it meets the building code definition of a bedroom which includes size, location and window requirements.

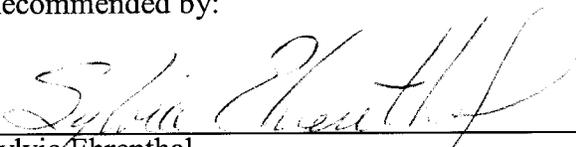
The Planning Commission supported the recommended changes with the exception that they believe the Planning Director should be given even more flexibility with regard to the definition of a bedroom, suggesting that the definition should not be based on the building code. One Commissioner expressed concern that some individuals might be dissuaded from adding home offices if the office addition could be defined as a bedroom. No one from the public came to speak on the proposed changes to the Zoning Ordinance.

Prepared by:



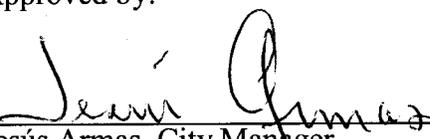
Dyana Anderly, AICP
Planning Manager

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A. Draft Planning Commission Minutes and Staff Report, dated April 10, 2003
Draft Ordinance
Draft Resolution

4/21/03

4. Text Change Application PL-2003-0175 - Initiated by the Planning Director - Request for an Amendment to the Zoning Ordinance Relative to Expiration of Discretionary Permits and Miscellaneous Clarifications and Corrections, Including Definition of a Garage, Bedroom, Home Occupation, Household Pets and Livestock

Planning Manager Anderly noted that this is a clean up of text only in the Zoning Regulations. She added that the intent of the amendments is to clarify the expiration date of discretionary permits. She then went through the various ordinances and minor corrections.

Commissioner Caveglia clarified several issues.

Commissioner Sacks asked about the definitions of a bedroom or sleeping room and why sleeping or living in a vehicle would be allowed only in a Mobile Home Park.

Chairperson Bogue asked about the definition of sleeping and bedrooms. He commented that the veterinary clinic they had just approved, had sleeping rooms with no windows, which under this definition would be illegal.

Planning Manager Anderly read the definition and said it was the building code definition.

The public hearing was opened and closed at 9:50 p.m.

Commissioner Caveglia moved, seconded by Commissioner Zermeño, to recommend approval of the text changes with the inclusion of the two suggested clarifications made by Commissioner Sacks and Chairperson Bogue.

The motion passed unanimously, with Commissioner Thnay absent.

ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters

Planning Manager Anderly announced two work sessions in May, on the 8th, with a public hearing and dinner, and on the 29th, without either. Commissioner Sacks said she would be out of town on the 29th and not available for the work session.

6. Commissioners' Announcements, Referrals

Commissioner Zermeño asked for a Community Preservation visit to the home on the corner of Sleepy Hollow and Hesperian. He said the reason would be self-evident.

Commissioner Halliday asked about the scheduling for the spring field trip. She was told there was no information at this point. She then asked about the inclusionary ordinance and consideration regarding older neighborhoods.

Planning Manager Anderly announced that the inclusionary ordinance would be on the next City Council work session. She said she would make sure that each member received the staff report. As to the request to pursue development standards in older neighborhoods, nothing has been



CITY OF HAYWARD AGENDA REPORT

Meeting Date 04/10/03
Agenda Item _____

TO: Planning Commission

FROM: Dyana Anderly, AICP, Planning Manager

SUBJECT: Text Change Application PL-2003-0175 - Initiated by the Planning Director - Request for an Amendment to the Zoning Ordinance Relative to Expiration of Discretionary Permits and Miscellaneous Clarifications and Corrections, Including Definition of a Garage, Bedroom, Home Occupation, Household Pets and Livestock

RECOMMENDATION:

It is recommended that the Planning Commission recommend to the City Council that they approve the Negative Declaration and amend the Zoning Ordinance.

DISCUSSION:

Lapse of Approval

When applications for a discretionary action (administrative use permit, conditional use permit, site plan review, and variance) are approved, the intent is to provide a period of time in which the use or construction may be established in accordance with all conditions of approval; otherwise, the approval lapses. Presently, the Zoning Ordinance provides for lapse of approval for conditional use permits as follows:

SEC. 10-1.3255 LAPSE OF APPROVAL. a. (1) Conditional use permit approval is void one year (24 months if a subdivision is concurrently involved) after the effective date of approval unless a building permit application for the subject project has been accepted for processing by the Building Official or business operations have commenced prior to that date in accordance with all applicable conditions of approval.

(2) If a building permit is issued for construction of improvements authorized by the conditional use permit approval, the conditional use permit approval shall be void two years after issuance of the building permit, or three years after approval of the conditional use permit application, whichever is later, unless the construction authorized by the building permit has been

substantially completed or substantial sums have been expended in reliance upon the conditional use permit.

As currently written, the text can be interpreted to allow a discretionary approval to remain active as long as a building permit application has been accepted but not processed or issued. The reason is that plans are sometimes accepted but not issued because plans are inadequate, the applicant lacks the funds to pick them up, or the applicant changes his/her mind about constructing the project.

If the building permit review process is delayed significantly, it can be several years before a project gets underway, if at all. In the meantime, revisions to City policies, design guidelines or zoning regulations may result in a project that no longer meets the City's goals, yet the discretionary approval is still viable.

Once a building permit has been accepted for processing by the Building Official, the Uniform Building Code allows the Building Official to expire the building permit application after six months if a building permit has not been issued. The Building Official may also extend the review period for six months under extenuating circumstances. Therefore, staff is recommending amending the Zoning Ordinance by adding the following language to cause a lapse of approval of a discretionary permit as intended. The example below is for a conditional use permit, but similar language could be applied to administrative use permits, site plan reviews, and variances.

Conditional use permit approval is void one year (24 months if a subdivision is concurrently involved) after the effective date of approval unless (a) either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or (b) business operations have commenced in accordance with all applicable conditions of approval.

The City's permit tracking system can be programmed to expire the discretionary permit and building permit application after six months (or one year when there are extenuating circumstances).

Lapse of approval of a discretionary permit during the building permit application review stage would be infrequent. This is because most individuals do not make an application for a building permit without making sure they have sufficient funding to carry out the project and because they invest a considerable sum in preparation of working drawings. However, one example of the misuse of the current system involves individuals cited by the City's Community Preservation staff for illegal construction. When these individuals have obtained authorization to retain a structure under a use permit, site plan review or variance, the conditions of approval require a building permit to ensure that the construction of the building is safe. However, the enforcement action is frustrated when the violator does not pick up his/her building permit, as allowed under the current wording for "lapse of approval."

Definition of Bedroom

The City's Off-Street Parking Regulations were revised in 1996 to require that the current parking requirements be imposed "(A)t the time that cumulative additions to a single-family or multi-family dwelling increase the original building floor area by more than 50 percent per unit or increase the

"number of sleeping rooms." As a result, a homeowner wishing to expand a single-family home by more than 50 percent or add bedrooms must either have a two-car garage or must provide one at the time of expansion. This requirement has resulted in many homeowners expanding their one-car garages to accommodate two vehicles. It has also limited the ability of some homeowners to expand significantly or add bedrooms.

City staff has observed that some individuals have attempted to circumvent the parking requirement by labeling building additions as "den," "prayer room," "office," "study room," "storage," etc. Even though these rooms could legitimately be used as described, they could also be used as bedrooms by the owner or future residents. For this reason, staff is recommending adoption of the following definition of "bedroom" or "sleeping room."

SEC. 10-1.3500 DEFINITIONS BEDROOM. An enclosed habitable space in a structure which is (a) designed such that it could be used for sleeping purposes as determined by the Planning Director, (b) which meets the room dimension requirements of the most recent edition of the Uniform Building Code, (c) which is not accessed directly from the garage, and (d) which has one or more windows.

Garage Definition

A garage conversion amnesty program was undertaken in 1993. The program was precipitated by the death of an elderly woman caused by a fire in an illegally converted garage. Another compelling reason was that neighborhoods were being adversely impacted by an increased number of resident vehicles parking throughout the streets because garages had been illegally converted to other purposes. The Zoning Ordinance was amended in 1995 to prohibit any future garage conversions once the amnesty program expired. The City's Community Preservation program still responds to complaints about garages being used as living quarters that were not made legal pursuant to the amnesty program.

The current Zoning Ordinance definition of a garage is not adequate for the Community Preservation inspectors to enforce the Ordinance as intended, which results in a potential health and safety issue when residents (including children) inhabit garages with inadequate ventilation and gas water heaters. The current definition reads,

SEC. 10-1.3500 DEFINITIONS GARAGE. A fully enclosed and covered attached or detached structure accessory to a residential use intended for storage of one or more motor vehicles used by the occupants of the premises.

Staff suggests adoption of the following definition of a garage:

GARAGE. A fully enclosed and covered attached or detached structure accessory to a residential use intended for storage of one or more motor vehicles used by the occupants of the premises; which does not have any permanent obstructions that would prevent vehicles parking within; which has garage doors that are operable; and which does not have rugs, linoleum or other non-fire-resistant coverings on the floor. The minimum

dimensions of a single-car garage wherein no permanent obstructions may occur is 11' wide x 19' deep, and the minimum dimensions of a double-car garage wherein no permanent obstructions may occur is 18' wide x 19' deep. For purposes of this ordinance a garage of any dimension shall not be used as a habitable space.

Use of Vehicles for Living Purposes

The Zoning Ordinance prohibits the use of any kind of vehicle for sleeping purposes except within an approved mobile home park. Staff recommends that the Zoning Ordinance be amended to clarify that vehicles may not be used for either sleeping or "living" purposes. The Community Preservation staff receives numerous complaints about the use of campers for living purposes; however, the current ordinance only references "sleeping" in vehicles as a use that is not permitted. The current wording also requires a difficult and objectionable inspection process to establish that sleeping actually occurs in a vehicle. Therefore, staff recommends amending the Zoning Ordinance as follows.

*SEC. 10-1.2735 SPECIAL STANDARDS AND CONDITIONS FOR CERTAIN USES. k. Vehicle Parking, Repair, Display and Storage Requirements. The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, special interest vehicle, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for **living or** sleeping purposes shall be prohibited except within an approved mobile home park.*

Minor Clarifications and Corrections to the Zoning Ordinance

- Household Pets – In order to provide clear direction with regard to rabbits as household pets, the definitions of "Pets, Household" and "Livestock" are proposed to be amended as reflected in the underlined, bold language below:

*SEC. 10-1.3500 DEFINITIONS PETS, HOUSEHOLD. Small animals ordinarily and customarily domesticated and permitted in a dwelling and kept for company or pleasure and not for profit, such as dogs, cats, canaries, parakeets, fish, domestic mice, rats, guinea pigs, **up to four (4) rabbits**, or similar animals, as determined by the Planning Director. The keeping of more than four (4) cats or dogs requires an "Animal Fancier's Permit from the City Animal Control Officer.*

*SEC. 10-1.3500 DEFINITIONS LIVESTOCK. c. Small Livestock. Chickens, ducks, pigeons, **five (5) or more rabbits**, potbelly pigs, or similar small animals, as determined by the Planning Director.*

- New Automobile Dealerships – The Zoning Ordinance sets forth design and performance standards for new automobile dealerships. The standards do not address the use of microphones or other forms of communication devices that can be heard outside the confines of the auto dealership. Therefore, staff recommends adding the following performance standard:

SEC. 10-1.1045 MINIMUM DESIGN AND PERFORMANCE STANDARDS h. Automobile Dealerships (New, located on Mission Boulevard between Harder Road and Highland/Sycamore (11) Any public address/telephone/employee communication system shall be maintained so as to not be audible outside the confines of the dealership property as determined by the Planning Director.

- Projections into Yards – The Zoning Ordinance provides for extensions of certain architectural features into required yard areas. However, there is no provision in the General Commercial District for projections of canopies, open porches, and landing areas in this district as there are in the other commercial zoning districts. Therefore, the following language is proposed:

SEC. 10-1.1045 MINIMUM DESIGN AND PERFORMANCE STANDARDS. g. Architectural Projections into Yards. Architectural features such as bay windows, cornices, canopies and awnings that are attached to the primary structure, and eaves may extend 2 feet into any required yard; landing places and open porches may extend 4 feet into a required rear yard.

The provision regarding *canopies and awnings* would also be added to the standards for architectural projections in all other districts. This would eliminate the misinterpretation that free-standing canopies are permitted within required yards.

- Home Occupations – The definition of Home Occupation does not allow for the sale or display of commodities except those produced on the premises. This provision would prohibit gun sales from homes. However, the definition of “Home Occupation-Expanded” provided for exceptions to this requirement subject to approval of an administrative use permit. In order to make clear that gun sales are not permitted from homes in Hayward, the following amendment is proposed:

SEC. 10-1.3500 DEFINITIONS Home Occupation – Expanded. An expansion of the provisions of or variance to a home occupation as defined above regarding numbers of customers, hours of operation, sale of commodities produced on the premises (excluding sale of guns), and minor repair only.

- Group Homes – Error in Zoning Ordinance Text. Group homes are permitted in residential zoning districts in Hayward, and they are excluded from most commercial zones. The Commercial Office zoning district allows both residential and commercial development. And, although “large” group homes are permitted in the Commercial Office zoning district, subject to approval of an administrative use permit, there was apparently an oversight as is no

reference to a “small” group home in this zoning district. Therefore, as provided for by State law, staff recommends adoption of the language.

SEC. 10-1.1115 USES PERMITTED. a. Primary Uses. (4) (a) Multiple-Family dwellings; (b) **small group homes associated with single-family dwellings.**

- Recreational Facilities in General Commercial Zone – Error in Zoning Ordinance Text. Recreational facilities are permitted in the Neighborhood Commercial zoning district, subject to approval of an administrative use permit, but there is no longer mention of this use in the General Commercial zoning district. Therefore, staff recommends adding the following language to the Zoning Ordinance:

SEC. 10-1.1020 CONDITIONALLY PERMITTED USES. a. **Administrative Uses. (7) Other Uses. (u) Recreational Facility**

- Multi-Family Dwellings in the Medium-Density Residential District – Error in Zoning Ordinance Text. Multi-family dwellings were inadvertently left out of the Medium-Density Residential zoning district as a primary use. Therefore, staff recommends adding the following language to the Zoning Ordinance:

SEC. 10-1.415 USES PERMITTED. a. Primary Uses. (1) **Residential Uses. (a) Multi-family dwellings**

- Tattoo and Massage Parlors in the General Commercial District – Error in Zoning Ordinance Text. “Tattoo” and “Massage Parlors” are listed as uses that are subject to both an Administrative Use Permit and a Conditional Use Permit, which requires approval by the Planning Commission. Staff recommends that reference to these uses as subject to an Administrative Use Permit be removed:
- Minimum Lot Size for Townhouses in the High-Density Residential District and Commercial Office District – Error in Zoning Ordinance Text. The minimum lot sizes in residential districts classically reflect lot sizes that are adequate for development of condominium or apartment buildings, which is at least 5,000 square feet per lot. However, townhouses are a form of multi-family development where the actual lot is coincident with the footprint of each individual townhouse and private yard area. The Medium-Density Residential zoning district correctly indicates that the minimum lot size requirement for a townhouse lot is “consistent with building footprint and printed project areas.” However, this lot standard was inadvertently omitted from the High-Density Residential District and the Commercial Office District, both of which also support townhouse development. Therefore, staff recommends adding the following language to the Zoning Ordinance:

SEC. 10-1.525 LOT REQUIREMENTS. b. **Minimum Lot Area Per Dwelling Unit: (4) Townhouse Lot(s): Consistent with building footprint and printed project areas**

SEC. 10-1.1125 LOT REQUIREMENTS. b. Minimum Lot Area Per Dwelling Unit: Same as permitted in RM or RH Districts, whichever is deemed consistent with the General Plan Map and Neighborhood Plan; **Townhouse Lot shall be consistent with building footprint and printed project areas**

ENVIRONMENTAL REVIEW (CEQA)

This proposed modifications to the Zoning Ordinance are defined as a "project" under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. However, no significant environmental impacts are identified. Therefore, a Negative Declaration has been prepared.

PUBLIC NOTICE

A referral notice of the intended Zoning Ordinance amendments was mailed to every homeowners' associations in Hayward, the Chamber of Commerce, the Rental Property Association. The Planning Division received the following response industrial or retail use.

On March 21, 2003, a notice of public hearing and preparation of a Negative Declaration was published in The Daily Review.

Prepared by:


Dyana Anderly, AICP
Planning Manager

Attachments:

Findings for Approval of Amendments

FINDINGS OF APPROVAL

TEXT AMENDMENT NO. PL-2003-0175

City of Hayward (Applicant)

Amendment to the Zoning Ordinance Relative to Expiration of Discretionary Permits and Miscellaneous Clarifications and Corrections, Including Definition of a Garage, Bedroom, Home Occupation, Household Pets and Livestock

- A. 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;
- B. Substantial proof exists that the proposed changes will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the amendments will allow for greater clarification of the development permit process and of the regulations regarding development;
- C. The proposed change is in conformance with the purposes of this Ordinance and with the General Plan, and all other applicable, officially adopted policies and plans in that the changes are minor and do not conflict with any other ordinances or policies;
- D. Streets and public facilities existing or proposed will not be impacted and will continue to be able to serve all structures that would be impacted by adoption of this ordinance; and
- E. The amendments will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations in that the amendments will allow for greater clarification of the development permit process and of the regulations regarding development.
- F. The proposed amendments to the Zoning Ordinance more clearly establishes that a discretionary permit must be initiated within specific timelines or approval of the permit will lapse. This contributes to establishing uses and structures that are in keeping with current land use plans, policies and City regulations.
- G. A proposed amendment to the Zoning Ordinance more clearly defines a garage so as to clarify when certain residential building permit applications trigger the requirement for a two-car garage in connection with that permit. This amendment is in keeping with the City policy to provide adequate off-street parking for its residential neighborhoods.
- H. A proposed amendment to the Zoning Ordinance more clearly establishes that the communications systems of new automobile dealers must not be audible outside the confines of the property on which the automobile dealership is located. This amendment is in keeping with the City policy to ensure compatibility between automobile dealers and nearby residential neighborhoods.

- I. A proposed amendment to the Zoning Ordinance more clearly establishes that sales of guns are prohibited from residences. This amendment is in keeping with the City policy to ensure compatibility between commercial activity and residential neighborhoods.



**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:

Amendments to the City of Hayward Zoning Ordinance relating to Expiration of Discretionary Permits, Definition of Bedroom/Sleeping Room, Definitions of Garage, Use of Vehicles for Living Purposes, and Minor Corrections and Clarifications

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. The proposed amendments to the Zoning Ordinance more clearly establishes that a discretionary permit must be initiated within specific timelines or approval of the permit will lapse. This contributes to establishing uses and structures that are in keeping with current land use plans, policies and City regulations.
3. A proposed amendment to the Zoning Ordinance more clearly defines a garage so as to clarify when certain residential building permit applications trigger the requirement for a two-car garage in connection with that permit. This amendment is in keeping with the City policy to provide adequate off-street parking for its residential neighborhoods.
4. A proposed amendment to the Zoning Ordinance more clearly establishes that the communications systems of new automobile dealers must not be audible outside the confines of the property on which the automobile dealership is located. This amendment is in keeping with the City policy to ensure compatibility between automobile dealers and nearby residential neighborhoods.

5. A proposed amendment to the Zoning Ordinance more clearly establishes that sales of guns are prohibited from residences. This amendment is in keeping with the City policy to ensure compatibility between commercial activity and residential neighborhoods.
6. Other proposed amendments to the Zoning Ordinance are minor clarifications or corrections.

IV. PERSON WHO PREPARED INITIAL STUDY: Dyana Anderly, AICP, Planning Manager, City of Hayward

Dated: March 17, 2003

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) 583-4200

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:
Amendments to the City of Hayward Zoning Ordinance relating to Expiration of Discretionary Permits, Definition of Bedroom/Sleeping Room, Definition of Garage, Use of Vehicles for Living Purposes, and Minor Corrections and Clarifications

2. Lead agency name and address:
City of Hayward
777 B Street
Hayward, CA 94541

3. Contact person and phone number and e-mail address:
Dyana Anderly, AICP, 510.583.4214 dyana.anderly@ci.hayward.ca.us

4. Project location:
City-wide

5. Project sponsor's name and address:

City of Hayward Planning Director
777 B Street
Hayward, CA 94541

6. General plan designation:
All commercial and residential General Plan designations.

7. Zoning:
All commercial and residential zoning designations.

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.)

Amendments to the City of Hayward Zoning Ordinance relating to Expiration of Discretionary Permits, Definition of Bedroom/Sleeping Room, Definitions of Garage, Use of Vehicles for Living Purposes, and Minor Corrections and Clarifications

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
Citywide.

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.

- | | | |
|--|--|---|
| <input 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 |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |

- | | | |
|--|---|---|
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> 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.

_____	<u>March 17, 2003</u>
Signature	Date
 _____	 _____
<u>Dyana Anderly, AICP</u>	<u>City of Hayward</u>
Printed Name	Agency

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 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"/> |

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 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"/> |

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"/> |

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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"/>

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"/>
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"/>

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"/>

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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"/>

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"/>
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 wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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"/>

	<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 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"/>
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"/>

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 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?	<input type="checkbox"/>	<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"/>

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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"/>

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"/>
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"/>

A proposed amendment to the Zoning Ordinance more clearly establishes that a discretionary permit must be initiated within specific timelines or approval of the permit will lapse. This contributes to establishing uses and structures that are in keeping with current land use plans, policies and City regulations.

A proposed amendment to the Zoning Ordinance more clearly defines a garage so as to clarify when certain residential building permit applications trigger the requirement for a two-car garage in connection with that permit. This amendment is in keeping with the City policy to provide adequate off-street parking for its residential neighborhoods.

A proposed amendment to the Zoning Ordinance more clearly establishes that the communications systems of new automobile dealers must not be audible outside the confines of the property on which the automobile dealership is located. This amendment is in keeping with the City policy to ensure compatibility between automobile dealers and nearby residential neighborhoods.

A proposed amendment to the Zoning Ordinance more clearly establishes that sales of guns are prohibited from residences. This amendment is in keeping with the City policy to ensure compatibility between commercial activity and residential neighborhoods.

Other proposed amendments to the Zoning Ordinance are minor clarifications or corrections.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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"/>

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"/>
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A proposed amendment to the Zoning Ordinance more clearly establishes that the communications systems of new automobile dealers must not be audible outside the confines of the property on which the automobile dealership is located. This amendment is in keeping with the City policy to ensure compatibility between automobile dealers and nearby residential neighborhoods.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A proposed amendment to the Zoning Ordinance more clearly establishes that the communications systems of new automobile dealers must not be audible outside the confines of the property on which the automobile dealership is located. This amendment is in keeping with the City policy to ensure compatibility between automobile dealers and nearby residential neighborhoods.

	<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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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"/>
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A proposed amendment to the Zoning Ordinance more clearly establishes that the communications systems of new automobile dealers must not be audible outside the confines of the property on which the automobile dealership is located. This amendment is in keeping with the City policy to ensure compatibility between automobile dealers and nearby residential neighborhoods.

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"/>
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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"/>
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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"/>
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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"/>
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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"/>
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	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Police protection? A proposed amendment to the Zoning Ordinance more clearly establishes that sales of guns are prohibited from residences. This amendment is in keeping with the City policy to ensure compatibility between commercial activity and residential neighborhoods.	<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"/>

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"/> |

A proposed amendment to the Zoning Ordinance is a correction that clarifies that recreational uses are permitted in the General Commercial zoning district.

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? | <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"/> |

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
f) Result in inadequate parking capacity? A proposed amendment to the Zoning Ordinance more clearly defines a garage so as to clarify when certain residential building permit applications trigger the requirement for a two-car garage in connection with that permit. This amendment is in keeping with the City policy to provide adequate off-street parking for its residential neighborhoods.	<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"/>
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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"/>
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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"/>
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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"/>
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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"/>
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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"/>
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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"/>
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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"/>
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<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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ORDINANCE NO. _____

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5/15/03

AN ORDINANCE AMENDING SECTION 10-1.1020, 10-1.1045, 10-1.1115, 10-1.1125, 10-1.2735, 10-1.3255, 10-1.3055, 10-1.3155, 10-1.3355, 10-1.3510, 10-1.415, AND 10-1.525 OF ARTICLE 1 OF CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE

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

Section 1. Section 10-1.1020(a)(7) of the Hayward Municipal Code, relating to Conditionally Permitted Uses in the General Commercial (CG) District is hereby amended to add the following:

“(u) Recreational Facility.”

Section 2. Section 10-1.1045(h) of the Hayward Municipal Code relating to Minimum Design and Performance Standards in the General Commercial (CG) District for new automobile dealerships is hereby amended to add the following:

“(12) Any public address/telephone/employee communication system shall be maintained so as to not be audible outside the confines of the dealership property as determined by the Planning Director.”

Section 3. Section 10-1.1045(g) of the Hayward Municipal Code relating to Minimum Design and Performance Standards for Architectural Projections into yards is hereby amended to read as follows:

“Architectural Projections into Yards. Architectural features such as bay windows, cornices, canopies and awnings that are attached to the primary structure, and eaves may extend 2 feet into any required yard; landing places and open porches may extend 4 feet into a required rear yard.”

Section 4. Section 10-1.1115(a)(4) of the Hayward Municipal Code relating to Primary Uses in the Commercial Office (CO) District is hereby amended to read as follows:

“(4) Residential Uses.

- (a) Multiple-family dwellings;
- (b) small group homes associated with single-family dwellings.”

Section 5. Section 10-1.1125(b) of the Hayward Municipal Code relating to Lot Requirements is hereby amended to read as follows:

“Minimum Lot Area Per Dwelling Unit: Same as permitted in RM or RH Districts, whichever is deemed consistent with the General Policies Plan Map and Neighborhood Plan; Townhouse Lot shall be consistent with building permit footprint and printed project areas.”

Section 6. Section 10-1.2735(k) of the Hayward Municipal Code relating to Special Standards and Conditions for Certain Uses for Vehicle Parking, Repair, Display, and Storage Requirements is hereby amended to read as follows:

“The term “vehicle” as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, special interest vehicle, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for living or sleeping purposes shall be prohibited except within mobile homes within an approved mobile home park.”

Section 7. Section 10-1.3255(a) of the Hayward Municipal Code relating to Lapse of Approval of Conditional Use Permit is hereby amended to read in its entirety as follows:

“Conditional use permit approval is void one year (24 months if a subdivision is concurrently involved) after the effective date of approval unless (a) either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or (b) business operations have commenced in accordance with all applicable conditions of approval.”

Section 8. Section 10-1.3155(a) of the Hayward Municipal Code relating to Lapse of Approval of Administrative Use Permit is hereby amended to read in its entirety as follows:

“Administrative use permit approval is void one year after the effective date of approval unless (a) either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or (b) business operations have commenced in accordance with all applicable conditions of approval.”

Section 9. Section 10-1.3355(a) of the Hayward Municipal Code relating to Lapse of Approval of Variance is hereby amended to read in its entirety as follows:

“Variance approval is void one year after the effective date of approval unless (a) either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or (b) business operations have commenced in accordance with all applicable conditions of approval.”

Section 10. Section 10-1.3055(a) of the Hayward Municipal Code relating to Lapse of Approval of Site Plan Review is hereby amended to read in its entirety as follows:

“Site Plan Review approval is void one year (24 months if a subdivision is concurrently involved) after the effective date of approval unless (a) either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or (b) business operations have commenced in accordance with all applicable conditions of approval.”

Section 11. Section 10-1.3510 of the Hayward Municipal Code, Uses and Activities Defined, relating to the definition of Dwelling Unit, Bedroom, Garage, Household Pets, Livestock, and Home Occupation is hereby amended to read as follows:

“BEDROOM. An enclosed space in a structure which is designed such that it could be used for sleeping purposes as determined by the Planning Director. A bedroom typically meets the room dimension requirements of the most recent edition of the Uniform Building Code, is not accessed directly from the garage, and has one or more windows. “

“DWELLING UNIT.

b. Condominium dwelling(s): Any building, group of buildings, or portion thereof which includes two or more dwelling units, and for which there is a final map or parcel map. Condominium dwelling projects are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&R's), and may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements. Within a condominium, ownership consists of the airspace within a unit and the building(s) and all land within the development are under common ownership.

f. Townhouse dwelling(s): Any building, group of buildings, or portion thereof which includes two or more attached dwelling units, and for which there is a final map or parcel map. Townhouse dwelling projects are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&R's), and may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements. Townhouse ownership includes the building, the land beneath the building and typically a patio or small yard adjacent to the structure. The remaining land within the development is under common ownership.”

“GARAGE. A fully enclosed and covered attached or detached structure accessory to a residential use intended for storage of one or more motor vehicles used by the occupants of the premises; which does not have any permanent obstructions that would prevent vehicles parking within; which has garage doors that are operable; and which does not have rugs, linoleum or other non-fire-resistant coverings on the floor. The minimum dimensions of a single-car garage wherein no permanent obstructions may occur is 11' wide x 19' deep, and the minimum dimensions of a double-car garage in wherein no permanent obstructions may occur is 18' wide by 19' deep. For purposes of this ordinance a garage of any dimension shall not be used as a habitable space.”

“PETS, HOUSEHOLD. Small animals ordinarily and customarily domesticated and permitted in a dwelling and kept for company or pleasure and not for profit, such as dogs, cats, canaries, parakeets, fish, domestic mice, rats, guinea pigs, up to four (4) rabbits, or similar animals, as determined by the Planning Director. The keeping of more than four cats or dogs requires an “Animal Fancier’s” Permit from the City Animal Control Officer.”

“LIVESTOCK.

c. Small Livestock. Chickens, ducks, pigeons, five (5) or more rabbits, potbelly pigs, or similar small animals, as determined by the Planning Director.”

“HOME OCCUPATION - EXPANDED. An expansion of the provisions of or variance to a home occupation as defined above regarding numbers of customers, hours of operation, sale of commodities produced on the premises (excluding sale of guns), and minor repair only.”

Section 12. Section 10-1.415(a)(1) of the Hayward Municipal Code relating to Primary Uses in the Medium Density Residential (RM) District is hereby amended to add the following:

“(d) Multi-family dwellings.”

Section 13. Section 10-1020(a)(3) of the Hayward Municipal Code relating to Conditionally Permitted Uses in the General Commercial District is hereby amended to read in its entirety as follows:

“Personal Services.

(a) Suntan parlor.”

Section 14. Section 10-1.525(b) of the Hayward Municipal Code relating to Lot Requirements is hereby amended to add the following:

“(4) Townhouse Lot(s): Consistent with building footprint and printed project areas.”

Section 15. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 16. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective upon its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 2003, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 2003, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

me
5/8/03

RESOLUTION ADOPTING THE NEGATIVE
DECLARATION AND APPROVING TEXT CHANGE
APPLICATION NO. PL-2003-0175 RELATING TO
AMENDMENTS TO THE ZONING ORDINANCE

WHEREAS, Text Change Application No. PL 2003-0175 concerns a request by the Planning Director to amend the various sections of the Zoning Ordinance relative to townhouses, the expiration of discretionary permits and miscellaneous clarifications and corrections, including the definition of a garage, bedroom, home occupation, household pets, and livestock; and

WHEREAS, the Planning Commission, at its meeting of April 10, 2003, considered the matter and recommended approval of the text change and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, a negative declaration has been prepared and processed in accordance with City and CEQA guidelines and was adopted by the Planning Commission at its meeting of April 10, 2003; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that:

- A. The text change 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 text changes could not result in significant effects on the environment.
- B. Substantial proof exists that the proposed changes will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the amendments will allow for greater clarification of the development permit process and of the regulations regarding development.
- C. The proposed changes are in conformance with the purposes of the Zoning Ordinance and with the General Plan, and all other applicable, officially adopted policies and plans in that the changes are minor and do not conflict with any other ordinances and policies.

- D. Streets and public facilities existing or proposed will not be impacted and will continue to be able to serve all structures that would be impacted by adoption of the proposed text changes to the Zoning Ordinance.
- E. The amendments will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations in that the amendments will allow for greater clarification of the development permit process and of the regulations regarding development.
- F. The proposed amendments to the Zoning Ordinance more clearly establish that a discretionary permit must be initiated within specific timelines or approval of the permit will lapse. This contributes to establishing uses and structures that in keeping with current land use plans policies and City regulations.
- G. One of the proposed amendments to the Zoning Ordinance more clearly defines a garage so as to clarify when certain residential building permit applications trigger the requirement for a two-car garage in connection with that permit. This amendment is in keeping with the City policy to provide adequate off-street parking for its residential neighborhoods.
- H. One of the proposed amendments to the Zoning Ordinance more clearly establishes that the communications systems of new automobile dealers must not be audible outside the confines of the property on which the automobile dealership is located. This amendment is in keeping with the City policy to ensure compatibility between automobile dealers and nearby residential neighborhoods.
- I. One of the proposed amendments to the Zoning Ordinance more clearly establishes that sales of guns are prohibited from residences. This amendment is in keeping with the City policy to ensure compatibility between commercial activity and residential neighborhoods.

NOW, THEREFORE, BE IT RESOLVED that based on the foregoing findings, the City Council of the City of Hayward hereby adopts and approves the Negative Declaration and Text Change Application No. PL-2003-0175.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2003

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward