CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/12/06
AGENDA ITEM 6
WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: General Plan Amendment No. PL-2006-0139 and Zone Change PL-2006-0068 – Request to Amend the General Plan Land Use Designation from Limited Medium-Density Residential to Medium-Density Residential, and Change the Zoning from Medium-Density Residential with 4,000 Square Feet Required per Unit (RMB4) to Medium-Density Residential (RM) – Hossien Mehrizi (Applicant) – The Properties Are Located along Silva Avenue, Generally Between Ramos Avenue and Jackson Street

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution and introduce the attached ordinance approving the Negative Declaration, the General Plan amendment and zone change, subject to the attached findings.

DISCUSSION:

On May 25, 2006, the Planning Commission recommended approval (7-0) of a request to change the General Plan land use designation, from Limited Medium-Density Residential (LMDR) to Medium-Density Residential (MDR), and to change the zoning, from Medium-Density Residential with special lot standards (RMB4) to Medium-Density Residential (RM), for the property along the west side of Silva Avenue between Jackson Street and Ramos Avenue. The project area is surrounded by high-density residential apartment buildings across Silva Avenue to the east, commercial land uses fronting on Jackson Street, and a combination of single-family and multi-family residential properties to the south and west. The applicant owns two of the eight parcels on Silva Avenue that would be affected by the proposed project.

When the Jackson Triangle Neighborhood Plan was adopted in 1991, the General Plan land use designation for the project area was changed from Low-Density Residential, which allows up to 8.7 dwelling units per acre, to Limited Medium-Density Residential, which allows up to 12 units per acre. The actual density of the 1.4-acre project area is 12.6 units per acre. The proposed MDR land use designation would allow up to 17.4 units per acre. If the recommendation is approved, this could result in reinvestment in the area. In turn, this would enable the City, through the permit process, to assure compliance with current standards with regard to open space, parking and circulation, and landscaping.

Policies of the Neighborhood Plan include "improv[ing] existing multi-family development" and "allow[ing] additional multi-family development in selected areas." One strategy of these policies is to "allow Limited Medium-Density development (RMB4) in the Ramos-Thomas-Sycamore area to provide opportunities to upgrade these properties." However, the RMB4 zoning district

regulations made many residential units in the area nonconforming with respect to the number of units permitted. In the 15 years since the Plan was adopted, the development in the area has not been significantly upgraded. This may be partly due to the fact that the Zoning Ordinance limits the alterations that can be made to nonconforming buildings. Most properties in the area were originally developed around 1920, and many are not occupied by owners. Also, many properties in the area are in need of property re-investment. The increase in allowable residential density could be a catalyst for owners to reinvest in their properties to build additional units and rehabilitate existing units.

The applicant owns two lots – one with one unit and one with four units. In January 2006, the Planning Commission denied the applicant's Site Plan Review application to build additions to two of the residential units in the project area because the proposal included the continued use of a nonconforming driveway. The property also contains three nonconforming residential units due to the limitations of the current zoning; these units would eventually require deconstruction. Should the proposed project be approved, the applicant could construct an additional unit to the property for a total of six. Of the six other properties involved in the proposal, two could benefit by the increased density: one with the potential addition of one unit, and the other with two. Additions to existing units or the construction of new units would require the on-site parking, open space and landscaping to be made conforming to ordinance standards.

The Land Use element of the General Plan encourages higher density development in areas near transit. The project area is less than ¾ mile from the Hayward BART station. AC Transit Route 91 serves Silva Avenue into the late evening, Monday thru Friday. Given the proximity to public transit and to the high density apartment complexes across Silva Avenue, the changes to the General Plan and zoning are appropriate. There are 18 residential units on the eight parcels in the project area. With aggregation of all properties concerned, five more units could potentially be permitted under RM zoning; without parcel aggregation, a total of four more units could be permitted. The RM zoning is flexible in that single family, townhouse or condominium dwellings are allowed. The following table lists each of the affected parcels and the unit potential for each lot under RM zoning.

Address	Lot Size in square feet	Existing Units	Units Allowed with Current Zoning (RMB4)	Units allowed with Proposed Zoning (RM)
24039 – 24043 Silva Ave.	8,271	2	2	3
24073 Silva Ave.*	7,350	1	1	2
24091 – 24103 Silva Ave.*	7,950	4	1	2
24107 – 24113 Silva Ave.	9,000	4	2	3
24123 Silva Ave.	5,550	1	1	1
24149 – 24163 Silva Ave.	12,600	3	3	5
24175 Silva Ave. & 574 Ramos Ave.	5,000	2	1	2
568 Ramos Ave.	2,500	1	1	1
Total		18	12	19

* These two parcels are owned by the applicant. If merged, the new lot size would be 15,300 square feet and six units would be allowed under the proposed RM zoning.

Staff supports the proposed General Plan and Zoning changes as they would provide a tool to conform to zoning requirements and design guidelines and an opportunity for property owners to reinvest in the older buildings. The General Plan and Zoning change may result in the homes being upgraded with improvements which conform to current City standards, and result in a limited number of additional housing units in proximity to public transit. No comments were made by the public during the Planning Commission meeting.

Prepared by:

for Erik J. Pearson, AICP
Associate Planner

Recommended by:

Susan Daluddung
Director of Community and Economic Development

Approved by:

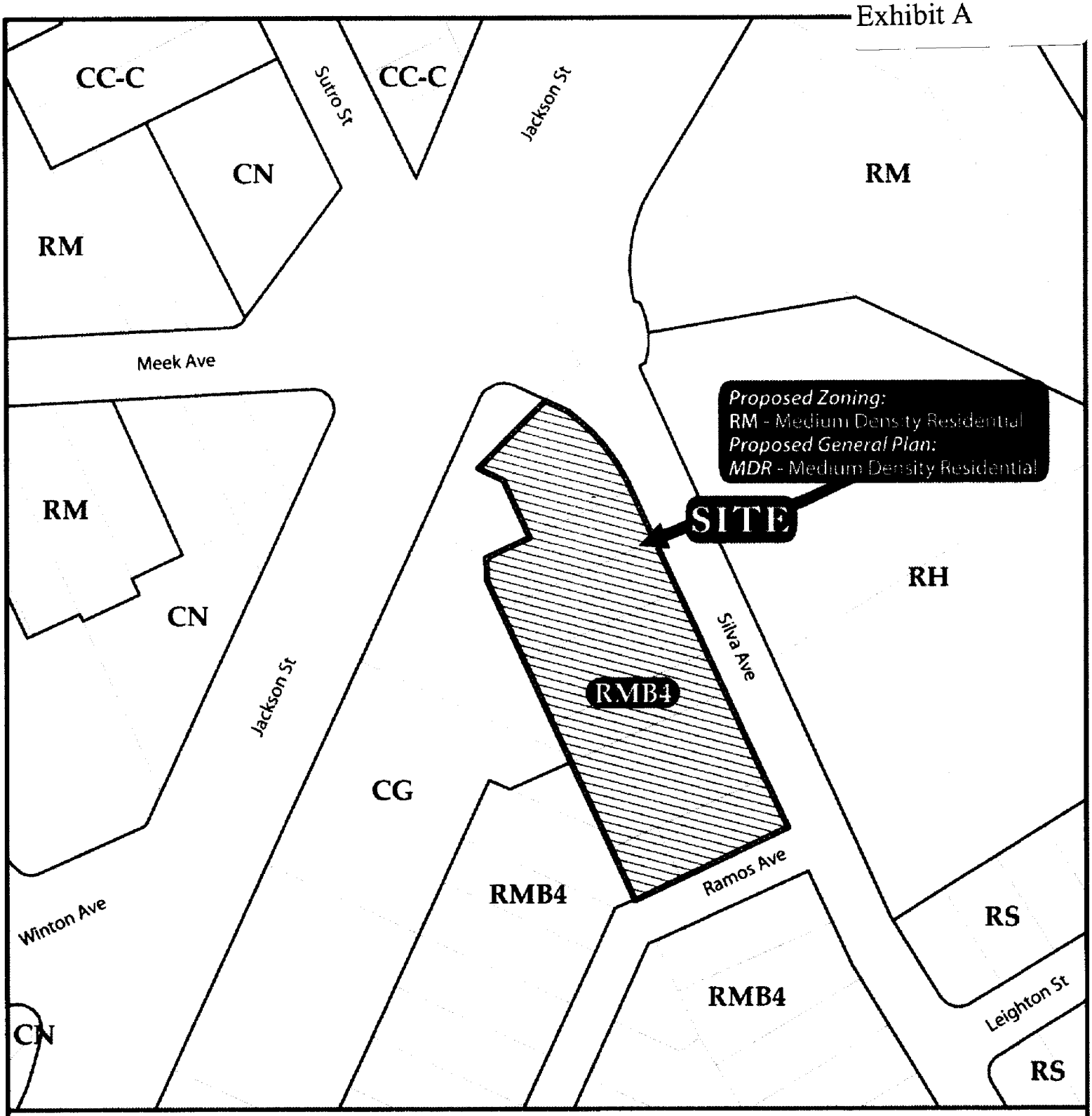
Jesús Armas, City Manager

Attachments:

Exhibit A.	Area and Zoning Map
Exhibit B.	Project Area Map
Exhibit C.	Minutes of May 25, 2006 Planning Commission Meeting
Exhibit D.	Planning Commission Staff Report dated May 25, 2006
	Draft Ordinance
	Draft Resolution

9/7/06

Exhibit A



Area & Zoning Map

PL-2006-0068 ZC, PL-2006-0139 GPA

Address: 24039 - 24175 Silva Ave
568 – 574 Ramos Ave

Applicant: Hossien Mehrizi

Owner: Hossien Mehrizi

North

FEET 75 150

Zoning Classifications

RESIDENTIAL

RH	High Density Residential, min. lot size 1250 sqft
RM	Medium Density Residential, min. lot size 2500 sqft
RMB4	Medium Density Residential, min. lot size 4000 sqft
RS	Single Family Residential, min. lot size 5000 sqft

COMMERCIAL

CG	General Commercial
CN	Neighborhood Commercial

CENTRAL CITY

CC-C	Central City - Commercial

Exhibit B

Project Area Map

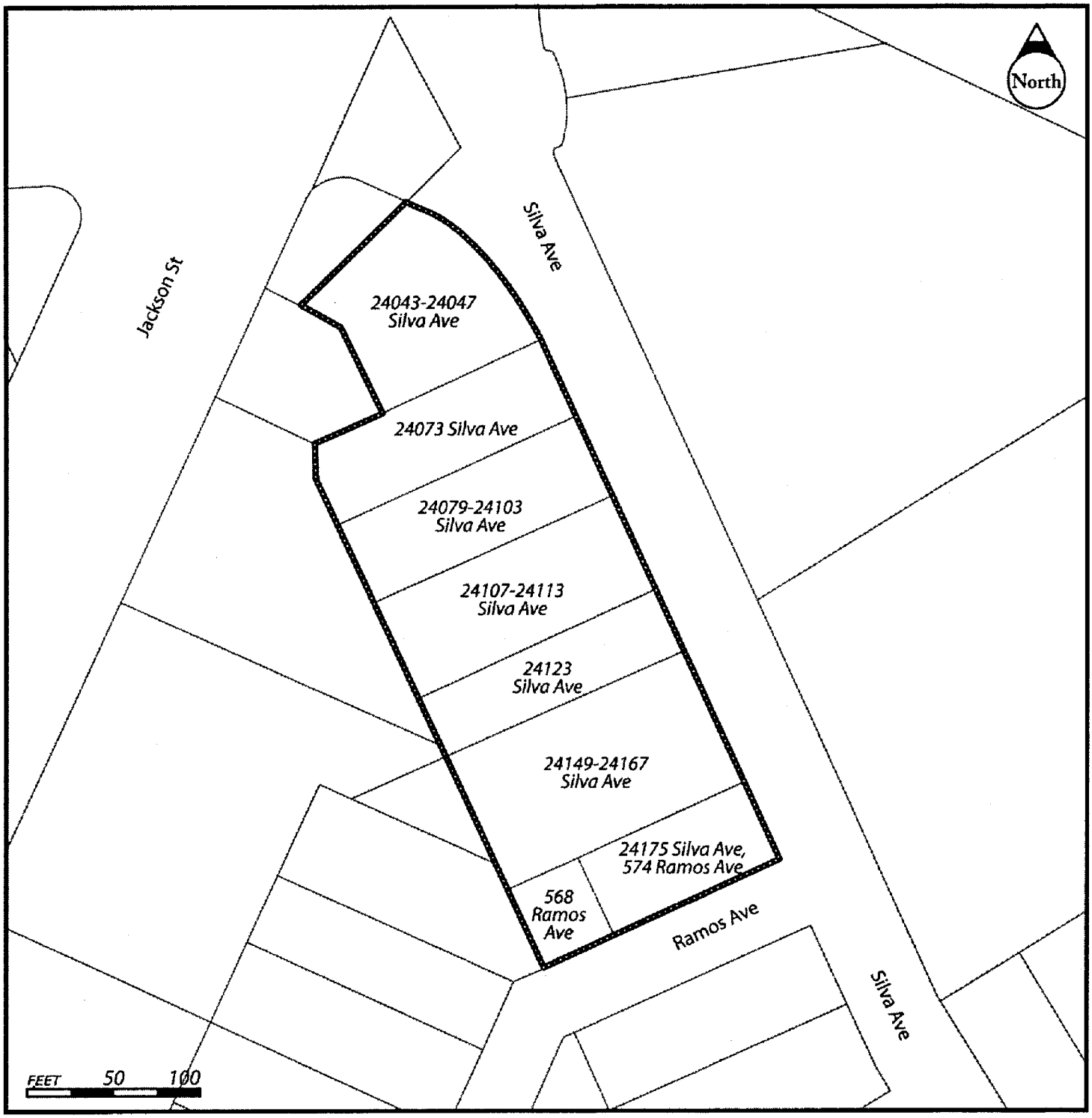


Exhibit C

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 25, 2006, 7:30 p.m.
777 B Street, Hayward, CA 94541

MEETING

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

ROLL CALL

Present:	COMMISSIONERS:	Lavelle, Sacks, McKillop, Bogue, Peixoto, Zermeño
	CHAIRPERSON:	Thnay
Absent:	COMMISSIONER:	None

Staff Members Present: Conneely, Fakhrai, Patenaude, Pearson, Lens

General Public Present: Approximately 8

PUBLIC COMMENTS

Charlie Cameron spoke regarding the South Hayward BART/Mission Boulevard Concept Design Plan and submitted a letter for Senior Planner David Rizk.

PUBLIC HEARINGS

1. **General Plan Amendment No. PL-2006-0139 and Zone Change PL-2006-0068 – Hossien Mehrizi (Applicant)** – Request to Amend the General Plan From Limited Medium-Density Residential to Medium-Density Residential and Change the Zoning From Medium-Density Residential with 4,000 Square Feet Required Per Unit to Medium-Density Residential – The Project is Located at 24039 Through 24175 Silva Avenue and 568 Through 574 Ramos Avenue **(Item continued from May 11, 2006)**

   Staff report submitted by Associate Planner Pearson, dated May 25, 2006, was filed.

Associate Planner Pearson made the staff report. He mentioned that he received comments from people within the neighborhood asking for assurance that development standards are met and that new units meet parking and open space requirements.

Chair Thnay inquired whether the zone change would change the parking requirement. Staff mentioned that the parking requirement does not change and assured members that conformance to present parking standards for the entire property would be established before any approval was given for new projects.

Commissioner Peixoto inquired about the idea of a "disincentive" for people to improve their properties. Associate Planner Pearson explained that the rezoning applied in 1991 created several

non-conforming properties and that the ordinance limits the amount of work that can be done to a non-conforming property.

Chair Thnay opened the public hearing at 7:41 p.m.

Applicant Mehrizi indicated that this is his second attempt to improve his property and stated that the property is close to the BART station. He explained that the units are small and that he would like to enlarge them and the rest of the property on Silva Avenue would be enhanced by the improvements. Lastly, he recognized that he would need an improved parking plan.

In response to Chair Thnay's inquiry about the estimated time frame for completing the proposed improvements, Mr. Mehrizi indicated as soon as possible.

Commissioner Sacks commended the applicant for working with staff in order to improve his application.

In response to Commissioner Zermeño's question about plans for the chain-link fence, Mr. Mehrizi indicated he has plans to improve the landscaping.

Chair Thnay closed the public hearing at 7:45 p.m.

Commissioner Lavelle supported the change and made the motion to approve the application. She thanked the applicant for working with staff and for improvements made to the application.

Commissioner McKillop seconded the motion and reiterated favorable comments made by Commissioner Lavelle.

Commissioner Lavelle moved, seconded by Commissioner McKillop, and unanimously approved, to recommend that the City Council adopt the Initial Study and Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and approve the General Plan Amendment and Zone Change subject to the findings.

2. **Recommended Five-Year Capital Improvement Program (Fiscal Years 2006-2007 Through 2010-2011)**

Staff report submitted by Acting Planning Manager Patenaude, dated May 25, 2005, was filed.

Deputy Public Works Director Fakhrai made the report indicating that the proposed Capital Improvement Program (CIP) was in conformance with the City's General Plan. He noted that the proposed CIP contains funding for previously included programs and investments in streets, sidewalks and water and sewer systems. He indicated that a one million dollar contribution from a development project will be allocated for the study and program of a new main library. He noted that the CIP follows Council's directive to maintain the public infrastructure as well as the continued rehabilitation of sidewalks for the next five years. He added that upgrades to the City's streets and roads will continue next year through federal and local funding, such as from Measure B. He added that the environmental process for the Route 238 Corridor Improvement Project is

Exhibit D

CITY OF HAYWARD
AGENDA REPORT

Meeting Date 05/25/06
Agenda Item 1

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: **General Plan Amendment No. PL-2006-0139 and Zone Change PL-2006-0068 — Hossien Mehrizi (Applicant)** – Request to Amend the General Plan from Limited Medium-Density Residential to Medium-Density Residential, and Change the Zoning from Medium-Density Residential with 4,000 Square Feet Required per Unit (RMB4) to Medium-Density Residential (RM)

The Project Is Located at 24039, 24043, 24073, 24091, 24103, 24107, 24109, 24111, 24113, 24123, 24149, 24163, 24167 and 24175 Silva Avenue, and 568 and 574 Ramos Avenue

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council:

1. Adopt the Initial Study and Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and
2. Approve the General Plan Amendment and Zone Change subject to the attached findings.

DISCUSSION

The applicant requests to change the General Plan land use designation from Limited Medium-Density Residential (LMDR) to Medium-Density Residential (MDR) and to change the zoning from Medium-Density Residential with 4,000 square feet required per unit (RMB4) to Medium-Density Residential (RM) for the property on the west side of Silva Avenue between Jackson Street and Ramos Avenue. The project area is surrounded by high density residential apartment buildings to the east, across Silva Avenue, commercial land uses fronting on Jackson Street, and a combination of single-family and multi-family properties to the south and west. The applicant owns two of the eight parcels on Silva Avenue that would be affected by the proposed project. The changes would allow the applicant to have six residential units on his two lots where five are currently allowed.

In January 2006, the Planning Commission denied the applicant's request to build additions to two residential units because the proposal included the continued use of a nonconforming driveway to serve the five units. If the General Plan and zoning changes are adopted and a permit is approved for the addition of a sixth unit, then all parking, driveway, open space and

landscaping standards would be required to be met. No specific plans for an additional unit have been presented to the City.

General Plan/Neighborhood Plan
When the Jackson Triangle Neighborhood Plan was adopted in 1991, the General Plan land use designation for the project area was changed from Low-Density Residential, which allows up to 8.7 dwelling units per acre to Limited Medium-Density, which allows up to 12 units per acre. The actual density of the 1.4-acre project area is 12.6 units per acre and the proposed MDR land use designation would allow up to 17.4 units per acre.

A policy of the Neighborhood Plan is to "improve existing multi-family development; allow additional multi-family development in selected areas." One strategy of this policy is to "allow Limited Medium-Density development (RMB4) in the Ramos-Thomas-Sycamore area to provide opportunities to upgrade these properties." The RMB4 zoning made many residential units in the area nonconforming with respect to the number of units permitted on a given lot. In the 25 years since the Plan was adopted, the area has not been significantly upgraded. This may be partly due to the fact that the Zoning Ordinance limits the amount of work that can be done to nonconforming buildings. Most properties in the area where originally developed around 1920 and many are not currently occupied by homeowners. Also, many properties in the area are in need of maintenance. However, most buildings would have to become much more in need of repair before it could be expected that units would be eliminated and property owners would have an incentive to bring properties into conformance with the current zoning. Rather than wait for the area to fall into further disrepair, staff would expect the proposed changes to spur some reinvestment in the area.

The Land Use element of the General Plan encourages higher density development in areas near transit stations. The project area is within walking distance to the Hayward BART station. Given the project area's proximity to public transit and to the high density apartment complexes across Silva Avenue, the changes to the General Plan and zoning are appropriate.

Zoning
Prior to the adoption of the Jackson Triangle Neighborhood Plan, the project area was within two zoning districts. The parcels at the north end of the block were in a General Commercial District and the south end of the block was in a High-Density Residential District. The Plan resulted in a change in the zoning to RMB4. The area of Ramos, Thomas, Sycamore and Silva Avenues was also changed from RM to RMB4. A primary reason for the application of the RMB4 zoning to the area was the perception that the neighborhood was too dense, partially due to a shortage of on-street parking. If properties are redeveloped, it would be possible to provide more parking by making more efficient use of the land.

There are 18 residential units on the eight parcels in the project area. If all eight parcels were merged into one, 5 more units, for a total of 23, would be permitted under RM zoning. The increase in allowable residential density could be a catalyst for owners to reinvest in their properties to build additional units and rehabilitate existing units. In addition, because the RM zoning allows fewer units on long narrow parcels than on properties that are more square, the

change in zoning could encourage owners to combine parcels over time. It is typically easier to develop a well-designed project on a larger parcel.

ENVIRONMENTAL REVIEW

An Initial Study and Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) guidelines. No significant environmental impacts are expected to result from the project.

PUBLIC NOTICE

On February 23, 2006, a Referral Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the former members of the Jackson Triangle Task Force.

Two letters were received from a neighbor in the Jackson Triangle area, wherein the issues of traffic and parking on Silva Avenue and general appearances of older properties in need of improvements are raised. None of the affected property owners have commented on the application.

Silva Avenue has street parking on one side of the street. Current off-street parking regulations require 2.1 spaces per unit having two or more bedrooms. Where any new additional residential units are proposed, the developer would be required to meet the current parking standard for both existing and proposed units.

On May 1, 2006, a Notice of Public Hearing for the Planning Commission meeting was mailed. At the Planning Commission meeting of May 11, 2006, it was announced that the hearing was continued to May 25, 2006. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION

Staff supports the proposed General Plan and Zoning changes as they would provide an incentive for property owners to reinvest in the older buildings. The project would result in the homes being upgraded with improvements to utilities and landscaping as well as the provision of new open space. The General Plan and Zoning changes may also result in additional housing units being constructed within walking distance of the Hayward BART station. The proposal is consistent with all General Plan policies, the City of Hayward Zoning Ordinance and other development standards.

Prepared by:

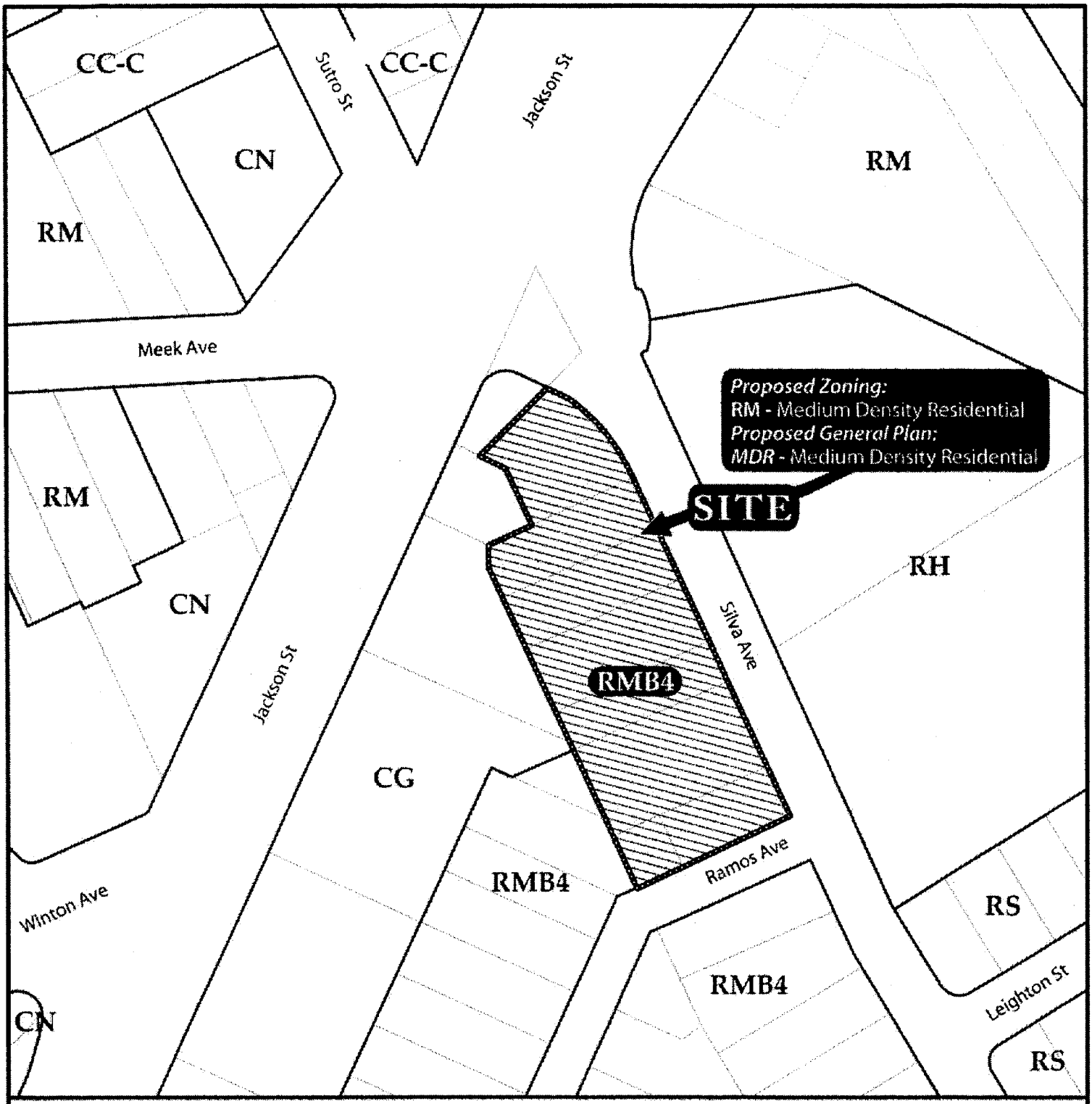
Erik J. Pearson, AICP
Associate Planner

Recommended by:

Richard E. Patenaude, AICP
Principal Planner

Attachments:

A. Area & Zoning Map
B. Findings for Approval of General Plan Amendment and Zone Change
C. Environmental Initial Study and Negative Declaration
D. Letters from Neighbors



Area & Zoning Map

PL-2006-0068 ZC, PL-2006-0139 GPA

Address: 24039 - 24175 Silva Ave
568 – 574 Ramos Ave

Applicant: Hossien Mehrizi

Owner: Hossien Mehrizi

North

FEET 75 150

Zoning Classifications

RESIDENTIAL

RH	High Density Residential, min. lot size 1250 sqft
RM	Medium Density Residential, min. lot size 2500 sqft
RMB4	Medium Density Residential, min. lot size 4000 sqft
RS	Single Family Residential, min. lot size 5000 sqft

COMMERCIAL

CG	General Commercial
CN	Neighborhood Commercial

CENTRAL CITY

CC-C	Central City - Commercial

FINDINGS FOR APPROVAL

General Plan Amendment No. PL-2006-0139
Zone Change No. PL-2006-0068

Hossien Mehrizi (Applicant)

Findings for Approval *– California Environmental Quality Act:*

A. The project will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, and, therefore, a Negative Declaration has been prepared.

Findings for Approval *– General Plan Amendment:*

B. That the proposed General Plan Amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Medium-Density Residential land use designation will allow additional housing units within walking distance to BART in conjunction with improvements to be made to existing buildings and parking facilities.

C. That the proposed General Plan Amendment is in conformance with the City's General Plan policies and the Jackson Triangle Neighborhood Plan and the Zoning Ordinance, as amended, and will result in development that will be compatible with surrounding land uses and zoning. The Amendment is consistent with the Neighborhood Plan in that any additional development resulting from the amendment and zone change will be designed such that it will improve the neighborhood.

D. That the streets and public facilities, existing or proposed, are adequate to serve all uses permitted when the property is redesignated in that no new uses will be permitted.

E. That the proposed General Plan Amendment will result in development that will be compatible with surrounding residential and commercial land uses and zoning, in that the amendment would allow five additional residential units in the project area.

Findings for Approval *– Zone Change:*

F. Substantial proof exists that the proposed zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it will provide an opportunity to construct medium-density residential housing in an area within walking distance to BART.

ATTACHMENT B

G. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, in that the proposed density will be compatible with the high density to the east and the lower density to the south and west.

H. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to Medium Density Residential in that surrounding streets are fully developed with all utilities present.

I. All uses permitted under the Medium Density Residential zoning district will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing RMB4 zoning, which does not allow for significant investment in nonconforming buildings.

CITY OF HAYWARD
NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a 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*:**

General Plan Amendment PL-2006-0139 and Zone Change PL-2006-0068 – Request to amend the General Plan from Limited Medium Density Residential (LMDR) to Medium-Density Residential (MDR) and change the Zoning from Medium-Density Residential with 4,000 square feet required per unit (RMB4) to Medium-Density Residential (RM). Hossien Mehrizi (Applicant). The Project Location Is 24039 through 24175 Silva Avenue and 568 through 574 Ramos Avenue, in Hayward, California.

***II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT*:**

The proposed project could not have a significant effect on the environment.

***FINDINGS SUPPORTING DECLARATION*:**

1. The proposed project 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.

2. The project will not adversely affect any scenic resources. No new structures will be built.

3. The project will not have an adverse effect on agricultural land since the property is already developed as residential and it is surrounded by urban uses.

4. The project will not result in significant impacts related to changes into air quality.

5. The project will not result in significant impacts to biological resources such as wildlife and wetlands.

6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleonotological resources, unique topography or disturb human remains.

7. The project site is not located within a "State of California Earthquake Fault Zone", however, any new construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.

8. The project will not lead to the exposure of people to hazardous materials.

9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff.

10. The project is consistent with the policies of the City General Policies Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.

11. The project could not result in a significant impact to mineral resources because extraction of mineral resources would be infeasible due to the property being surrounded by urban uses.

12. The project will not have a significant noise impact.

13. The project will not result in a significant impact to public services.

14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

I. ***PERSON WHO PREPARED INITIAL STUDY:***

Erik J. Pearson, AICP Associate Planner
Dated: April 5, 2006

II. ***COPY OF INITIAL STUDY IS ATTACHED***

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail erik.pearson@hayard-ca.gov .

DISTRIBUTION/POSTING

- Provide copies to 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.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title:	**General Plan Amendment PL-2006-0139 and Zone Change PL-2006-0068** – Request to amend the General Plan from Limited Medium Density Residential (LMDR) to Medium-Density Residential (MDR) and change the Zoning from Medium-Density Residential with 4,000 square feet required per unit (RMB4) to Medium-Density Residential (RM).
Lead agency name and address:	City of Hayward, 777 "B" Street, Hayward, CA 94541-5007
Contact persons and phone numbers:	Erik J. Pearson, Associate Planner (510) 583-4210
Project location:	The property is located at 24039 through 24175 Silva Avenue and 568 through 574 Ramos Avenue, in Hayward, California.
Project sponsor's name and address:	Hossien Mehrizi P.O. Box 2062 San Leandro, CA 94579
General Plan:	Limited Medium Density Residential
Zoning:	Medium-Density Residential with 4,000 square feet required per unit (RMB4)
Description of project:	Proposal to amend the General Plan from Limited Medium Density Residential (LMDR) to Medium-Density Residential (MDR) and change the Zoning from Medium-Density Residential with 4,000 square feet required per unit (RMB4) to Medium-Density Residential (RM). The proposed changes would affect eight parcels and would allow for up to five additional residential units to be constructed.
Surrounding land uses and setting:	The property is bordered by commercial land uses to the west, Jackson Street to the north, high-density residential uses to the east and medium density residential uses to the south and west.
Other public agencies whose approval is required:	None.

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

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

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature — April 5, 2006 (Date)

Erik J. Pearson, AICP Associate Planner — City of Hayward

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
I. **AESTHETICS** – Would the project:				
a) Have a substantial adverse effect on a scenic vista? ***Comment:*** *The project would not affect any scenic vista.*	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ***Comment:*** *The project would not damage scenic resources. No trees will be removed.*	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings? ***Comment:*** *The project would not substantially degrade the existing visual character or quality of the site. The project will improve the visual character of the site, as the General Plan and Zoning changes may trigger investment in the older structures.*	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ***Comment:*** *The slight increase in allowed residential density would not create a new source of substantial light or glare.*	☐	☐	☐	☒
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? **Comment:** *The project site is not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.*	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ***Comment:*** *The project area is not zoned for agricultural use, nor is it subject to a Williamson Act contract.*	☐	☐	☐	☒
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? ***Comment:*** *The project area is not farmland.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? ***Comment:*** *The General Plan and Zoning changes would not conflict with or obstruct implementation of the Bay Area 2000 Clean Air Plan. All new development would be required to meet all applicable air quality standards.*	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ***Comment:*** *See III(a).*	☐	☐	☐	☒
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 that exceed quantitative thresholds for ozone precursors)? ***Comment:*** *The project will not result in a cumulatively considerable net increase of any criteria pollutant.*	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations? ***Comment:*** *The project will not expose sensitive receptors to substantial pollutant concentrations.*	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people? ***Comment:*** *The project will not create objectionable odors affecting a substantial number of people.*	☐	☐	☐	☒
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? ***Comment:*** *The property contains no habitat for candidate, sensitive, or special status species.*	☐	☐	☐	☒
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? ***Comment:*** *The site contains no riparian or sensitive habitat.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? ***Comment:*** *The site contains no wetlands.*	☐	☐	☐	☒
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? ***Comment:*** *The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.*	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ***Comment:*** *The project would not conflict with any policies or ordinances protecting biological resources.*	☐	☐	☐	☒
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? ***Comment:*** *There are no habitat conservation plans affecting the property.*	☐	☐	☐	☒
V. **CULTURAL RESOURCES** – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? ***Comment:*** *Some of the structures in the project area may have historic value. According to the County Assessor, seven of the eight parcels have structures that were built between 1895 and 1924. No changes to any structures are proposed at this time. Future development proposals and their potential impact on historic resources will be evaluated when those proposals are presented to the City of Hayward.*	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ***Comment:*** *No known archaeological resources exist on-site.* ***Impacts:*** *If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.*	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ***Comment:*** *No known paleontological resources exist on-site.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐
Comments: *No known human remains are located on-site. If any remains are found, all work will be stopped and police called to investigate.*				
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:				
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.	☐	☐	☒	☐
Comment: *It is likely that the site will be subjected to a major earthquake during the life of existing and future structures. No active faults are believed to exist within the project site. Therefore, during such an event it is unlikely that surface rupture due to faulting or severe ground shaking will occur at the site; however, ground-shaking may be violent.*				
ii) Strong seismic ground shaking?	☐	☐	☒	☐
Comment: *See Comments under VI. (a)(i).*				
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
Comment: *See comments* under VI. (a)(i). *Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. Seismic ground failure, including liquefaction and subsidence, is not likely at this site. The site is mapped on the City's Liquefaction Hazard Map as being outside the areas susceptible to liquefaction.*				
iv) Landslides?	☐	☐	☐	☒
Comment: *The site is on relatively level land. The site and surrounding area does not contain steep slopes and is relatively devoid of topographic changes. The project will not result in or expose people to potential impacts involving landslides or mudflows.*				
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
Comment: *The Engineering Division will ensure that proper erosion control measures are implemented during any future construction activities.*				

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? ***Comment:*** *The site is flat and is not mapped as being susceptible to landslide, lateral spreading, subsidence, liquefaction or collapse. A soils investigation report will be required prior to any construction.*	☐	☐	☐	☒
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? ***Comment:*** *Prior to issuance of a building permit, engineering and building staff will review a soils investigation report to ensure that the building foundations are adequately designed for the soil type on-site.* *Prior to issuance of a building permit, the developer will submit a soils investigation report.*	☐	☐	☐	☒
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? ***Comment:*** *The project area is connected to the City of Hayward sewer system.*	☐	☐	☐	☒
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? ***Comment:*** *The project will not involve the routine transport, use, or disposal of hazardous materials.*	☐	☐	☐	☒
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? ***Comment:*** *See VII a.*	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ***Comment:*** *See VII a.*	☐	☐	☐	☒
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? ***Comment:*** *The project area is not listed as a site containing hazardous materials.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? ***Comment:*** *The project site is located within two miles of the Hayward Executive Airport, but is outside the traffic pattern zone and is not within any areas evaluated in the of the Hayward Executive Airport Master Plan. The project will not result in a safety hazard for people residing or working in the project area.*	☐	☐	☐	☒
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? ***Comment:*** *See VII e.*	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ***Comment:*** *The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.*	☐	☐	☐	☒
g) 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? ***Comment:*** *The project is not located in an area of wildlands and is not adjacent to wildlands.*	☐	☐	☐	☒
VIII. **HYDROLOGY AND WATER QUALITY** -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? ***Comment:*** *The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff from future construction projects.*	☐	☐	☐	☒
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)? ***Comment:*** *The site will continue to be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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? ***Comment:*** *The project will not substantially alter the existing drainage pattern of the site or area. Development of the site will not result in substantial erosion or siltation on-or off-site.*	☐	☐	☐	☒
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? ***Comment:*** *The project is within an urban area and runoff will leave the site via the City's storm drain system. Drainage patterns on the site will not cause flooding.*	☐	☐	☐	☒
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? ***Comment:*** *The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.*	☐	☐	☐	☒
f) Otherwise substantially degrade water quality? ***Comment:*** *See VIII a.*	☐	☐	☐	☒
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? ***Comment:*** *According to FEMA Flood Insurance Rate Maps (panels # 065033-0011E and 065033-0003E, both dated 2/9/2000), the majority of the project area is not within the 100-year flood hazard area. A portion of the property located at 24039 and 24043 Silva Avenue may be located in Zone B, which is defined as "Areas between limits of the 100-year and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood." If this property is developed further, the City will require that any new structures are placed outside the 100-year flood hazard area.*	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? ***Comment:*** *See VIII g.*	☐	☐	☐	☒
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? ***Comment:*** *The site is not near any levees and is not located downstream of a dam. People or structures would not be exposed to significant risk of loss, injury or death.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
Comment: *The project is not in a location that would allow these phenomena to affect the site.*				
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
Comment: *The project will not physically divide the existing community.*				
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?	☐	☐	☒	☐
Comment: *The area is designated on the General Policies Plan Map as Limited Medium Density Residential (LMDR), which allows up to 12 dwelling units per net acre. The proposal includes an amendment to the General Plan to change the designation to Medium-Density Residential (MDR), which allows up to 17.4 units per net acre. The current zoning designation is Medium-Density Residential with 4,000 square feet required per unit (RMB4). The applicant has requested to change the zoning to a Medium-Density Residential (RM) district which would allow the construction of up to five additional dwelling units.*				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
Comment: *See IV f.*				
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?	☐	☐	☐	☒
Comment: *The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.*				
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?	☐	☐	☐	☒
Comment: *See X a.*				

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? ***Comment:*** *Exposure of persons to or generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during construction. All City noise standards are required to be met and maintained upon completion of construction.* *The project area is approximately 500 feet from the nearest train and BART tracks. There are apartment buildings between the project area and the rail tracks which help to block train noise. The northern-most parcel is approximately 60 feet from Jackson Street. Any new development will be required to conform to the City's Noise Guidelines.*	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? ***Comment:*** *See XI a.*	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ***Comment:*** *See XI a*	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ***Comment:*** *See XI a*	☐	☐	☐	☒
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? ***Comment:*** *See VII e and XI a.*	☐	☐	☐	☒
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? ***Comment:*** *See VII e and XI a.*	☐	☐	☐	☒
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)? ***Comment:*** *The project is not expected to induce substantial population growth. No new roads will be constructed. The general plan amendment and rezoning may result in the addition of up to five residential units.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ***Comment:*** *The project will not displace existing housing or people.*	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ***Comment:*** *See XIIb.*	☐	☐	☐	☒

XIII. **PUBLIC SERVICES**

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:

a) Fire protection? ***Comment:*** *The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.*	☐	☐	☐	☒
b) Police protection? ***Comment:*** *See XIII a.*	☐	☐	☐	☒
c) Schools? ***Comment:*** *See XIII a.*	☐	☐	☐	☒
d) Parks? **Comment:** *See XIII a.*	☐	☐	☐	☒
e) Other public facilities? ***Comment:*** *No other public facilities will be significantly impacted.*	☐	☐	☐	☒

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? ***Comment:*** *The General Plan amendment and rezoning may result in a small increase in the use of existing neighborhood parks, however the increase will not be significant enough to cause substantial physical deterioration of the facilities.*	☐	☐	☒	☐

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? ***Comment:*** *The proposal does not include recreational facilities or the construction or expansion of recreational facilities.*	☐	☐	☐	☒
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)? ***Comment:*** *The project would not cause a substantial increase in traffic.*	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? ***Comment:*** *See XV a.*	☐	☐	☐	☒
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? ***Comment:*** *The project will not affect air traffic patterns.*	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ***Comment:*** *The project would not create or increase hazards due to design features or incompatible uses.*	☐	☐	☐	☒
e) Result in inadequate emergency access? ***Comment:*** *The Hayward Fire Department has reviewed the project and finds the project acceptable to their requirements and standards.*	☐	☐	☐	☒
f) Result in inadequate parking capacity? ***Comment:*** *Any new residential development will be required to meet applicable off-street parking regulations.*	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ***Comment:*** *The project does not conflict with adopted policies supporting alternative transportation.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
XVI. **UTILITIES AND SERVICE SYSTEMS** - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ***Comment:*** *The project will not exceed wastewater treatment requirements.*	☐	☐	☐	☒
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? ***Comment:*** *The City's existing wastewater treatment facilities are capable of handling the wastewater to be generated by the project.*	☐	☐	☐	☒
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? ***Comment:*** *Any new stormwater drainage facilities will be private, will be limited to individual lots and will not cause significant environmental effects.*	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ***Comment:*** *The City of Hayward supplies water to the site and has sufficient water to serve the project.*	☐	☐	☐	☒
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? ***Comment:*** *The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.*	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ***Comment:*** *Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
Comment: *The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.*				
XVII. **MANDATORY FINDINGS OF SIGNIFICANCE** --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Attachments:

A. Map

MAY 10, 2006 (PAGE ONE OF TWO PAGES)

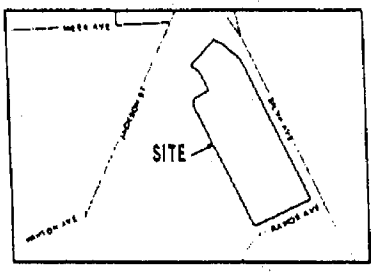
RECEIVED

MAY 11 2006

PLANNING DIVISION

CITY OF HAYWARD
PLANNING COMMISSION
777 "B" STREET
HAYWARD, CA 94541-5007

SUBJECT; REQUEST TO AMEND GENERAL PLAN FROM LIMITED MEDIUM-DENSITY RESIDENTIAL TO MEDIUM-DENSITY RESIDENTIAL AND CHANGE THE ZONING FROM MEDIUM-DENSITY RESIDENTIAL WITH 4,000 sq. ft. REQUIRED PER UNIT (RMB4) TO MEDIUM-DENSITY RESIDENTIAL (RM). PROJECT IS LOCATED AT 24039 THROUGH 24175 SILVA AVE. AND 568 THROUGH 574 RAMOS AVE.
REF. PL-2006-0139/PL-2006-0068 (GPA/ZC) HOSSIEN MEHRIZI (APPLICANT).
VICINITY MAP FOR 24039-24175 SILVA AVE. AND 568-574 RAMOS AVE., PER CITY OF HAYWARD:



PLANNING COMMISSION:

THIS LETTER IS LENGTHLY BECAUSE I HAVE QUOTED NEIGHBORHOOD CONCERNS MENTIONED IN OUR JACKSON TRIANGLE NEIGHBORHOOD PLAN. IN MY OPINION, SUBJECT APPLICANT'S REDEVELOPMENT OF HIS PROPERTY AS (RM) WILL SET AN EXAMPLE OF ACCEPTABLE REDEVELOPMENT FOR SUBJECT VICINITY MAP AREA, SHOULD OTHER PROPERTY OWNERS WISH TO REDEVELOP THEIR PROPERTIES.

PAGE 2, POLICY 2 OF THE JACKSON TRIANGLE NEIGHBORHOOD PLAN, IN PART, STATES "MULTIFAMILY HOUSING IN THE JACKSON TRIANGLE AREA IS PERCEIVED BY MANY RESIDENTS TO HAVE A NEGATIVE IMPACT ON THE STABILITY OF THE NEIGHBORHOOD. SOME EXISTING APARTMENTS HAVE BEEN RECOGNIZED ON THE PLAN WHERE ACCESS IS ADEQUATE AND THE DEVELOPMENT IS APPROPRIATE FOR THE AREA. ADDITIONAL MULTIFAMILY DEVELOPMENT IS LIMITED TO PROPERTIES WHERE IT COMPLIMENTS EXISTING DEVELOPMENT OR WOULD PROVIDE A DESIRABLE TRANSITION BETWEEN HOUSING TYPES OR DENSITIES". IT IS MY UNDERSTANDING THAT SINCE APPLICANT'S LOT IS DIRECTLY ACROSS THE STREET FROM HIGH DENSITY APARTMENT BUILDINGS, INCREASING ITS DENSITY WOULD IN FACT ACCOMPLISH TRANSITION BETWEEN HOUSING TYPES OR DENSITIES.

PER PAGE 2, STRATEGIES #E, OUR PLAN REFLECTS TO "ALLOW LIMITED MEDIUM DENSITY DEVELOPMENT (RMB4) IN THE RAMOS-THOMAS-SYCAMORE AREA" IN PART, "TO PROVIDE OPPORTUNITIES TO UPGRADE THESE PROPERTIES". IT HAS RECENTLY BEEN BROUGHT TO MY ATTENTION HOWEVER, THAT AT THE PRESENT TIME OUR NEIGHBORHOOD EFFORTS TO UPGRADE SITE AREA WOULD BE BETTER ACCOMPLISHED BY REZONING THIS AREA TO (RM) BECAUSE MANY LOTS IN THIS AREA ARE DEEP NARROW LOTS WHICH HINDER PROPERTY OWNERS' FROM MAKING SIGNIFICANT IMPROVEMENTS IF THE PROPERTY REMAINED (RMB4) ... UNLESS SOMEONE BOUGHT MORE THAN ONE LOT, COMBINED THEM AND RECEIVED CITY APPROVAL TO DEVELOP AS A PLANNED DEVELOPMENT WHICH I AM TOLD IS UNLIKELY.

PER PAGE 6, POLICY 6, IN PART, "TRAFFIC CONGESTION, SPEEDING, CUT THROUGH TRAFFIC AND SAFETY ARE MAJOR CONCERNS FOR JACKSON TRIANGLE RESIDENTS; "THE SEVERE SHORTAGE OF OFF- STREET PARKING IN OLDER MULTI FAMILY AREAS RESULTS IN VEHICLES PARKING HAPHAZARDLY". THIS CONCERN IS HEIGHTENED ON SILVA AVE. AND RAMOS AVE. BECAUSE THERE ARE NUMEROUS DRIVEWAYS ON EACH STREET, AND BECAUSE THERE IS ABSOLUTELY NO PARKING PERMITTED ON THE WEST SIDE OF SILVA AVENUE. SOME SILVA AVE. RESIDENTS/GUESTS, ETC., CRAM THEIR VEHICLES IN ON THEIR FRONT YARD LAWN, FRONT YARD DIRT AREA OR ON REAR PAVED OR UNPAVED SURFACES. ON SUBJECT APPLICANT'S PROPERTY, CARS ARE CRAMED IN AT THE REAR OF THE PROPERTY, PARKING ON UNPAVED SURFACES. IN AN EFFORT TO CREATE ADDITIONAL PARKING, PER PAGE 2 STRATEGIES #F, IN PART, "REQUIRE A MINIMUM OF TWO ON-SITE PARKING SPACES PER UNIT PLUS VISITOR PARKING IN THE JACKSON TRIANGLE AREA; INCREASE IF CITYWIDE REVIEW OF OFF-STREET PARKING REGULATIONS INDICATES ADDITIONAL NEED". WITH REFERENCE TO SUBJECT APPLICANT'S PROPERTY, I HOPE YOU WILL INCREASE OFF STREET PARKING REQUIREMENTS TO COMPENSATE FOR NO PUBLIC PARKING ON HIS PUBLIC STREET FRONTAGE. POOR TRAFFIC FLOW IN THIS AREA IS COMPOUNDED BY PRECISE PLAN LINES OF A FORTY FOOT STREET ON RAMOS AVE., AND PART OF THOMAS AVE. FROM SILVA AVE. TO SYCAMORE AVE. HEAVY TRAFFIC ON SILVA AVE. IS ALSO CREATED BY JACKSON STREET TRAFFIC USING SILVA AVE. TO "CUT THROUGH" OUR NEIGHBORHOOD.

IT IS REQUESTED THAT IF SUBJECT APPLICANT'S REZONING REQUEST IS GRANTED, IT BE GRANTED CONTINGENT UPON EXISTING HOMES MEETING CODE; UPGRADE LANDSCAPING THROUGHOUT HIS PROPERTY; AND INCREASE OFF- STREET PAVED PARKING REQUIREMENTS ON HIS PROPERTY. OTHER RESIDENTS IN SUBJECT SECTION OF THE NEIGHBORHOOD WILL LIKELY USE APPLICANT'S CITY APPROVED REDEVELOPMENT AS AN EXAMPLE FOR REDEVELOPING THEIR OWN PROPERTIES. LET US MAXIMIZE AN OPPORTUNITY TO UPGRADE AREAS IN NEED.

RESPECTFULLY,

BONNIE DOTSON/CO-CHAIR
JACKSON TRIANGLE TASK FORCE
RESIDENCE: 563 BERRY AVE., HAYWARD, CA 94544

Gordon Dotson Properties

531 Berry Avenue, Hayward, CA 94544

April 10, 2006

RECEIVED

APR 1 _ 2006

PLANNING DIVISION

City of Hayward, Planning division
Erick Pearson, Associate Planner
777 " B " Street
Hayward, CA 94541

Reference: Zoning Change

Mr. Pearson,

It has come to my attention that a possible zoning change from RMB4 to RM is being considered by the City of Hayward for 568 through 574 Ramos Avenue and 24039 through 24175 Silva Avenue. This change, if adopted, would unfortunately allow more housing and traffic to these already congested and stressed streets. If, however, this zoning change is adopted I would hope the city would place an emphases on ample parking for the residing residence and their company since only one side of Silva Avenue is designated for parking and that has already been depleted by the existing multiples and residentials in the area.

In the cities current effort to beautify Hayward one might take into consideration that upon approval of building permits a requirement for new landscaping, driveways, fences, etc. be established thus enhancing the property appearance, especially those parcels having city street frontage, which are obviously in need of improvements. Developers need to be encouraged to invest in the appearance of their existing real-estate in conjunction with the new. This obviously will set a precedence for the future development of Silva Avenue and Ramos Avenue, along with other streets in the City of Hayward. Further, to pursue timely completion and cooperation by developers, the city might mandate the completion of all improvements before the final sign off of any permits or usage of the improvements to the properties.

Respectfully,

Gary G. Dotson

ORDINANCE NO. 06-__

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN PROPERTIES LOCATED ALONG SILVA AVENUE BETWEEN RAMOS AVENUE AND JACKSON STREET PURSUANT TO ZONE CHANGE APPLICATION NO. PL-2006-0068

mle 9/7/06

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

Section 1. The Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning certain property located along Silva Avenue, between Ramos Avenue and Jackson Street, from Medium-Density Residential with 4,000 square feet required per unit (RMB4) to Medium-Density Residential (RM). The addresses of the reclassified properties are as follows: 24039 Silva Avenue, 24043 Silva Avenue, 24073 Silva Avenue, 24091 Silva Avenue, 24103 Silva Avenue, 24107 Silva Avenue, 24109 Silva Avenue, 24111 Silva Avenue, 24113 Silva Avenue, 24123 Silva Avenue, 24149 Silva Avenue, 24163 Silva Avenue, 24167 Silva Avenue, 24175 Silva Avenue, 568 Ramos Avenue and 574 Ramos Avenue.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the_____ day of_____, 2006, by Council Member Henson.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the_____ day of_____, 2006, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:
MAYOR:

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

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 06-

Introduced by Council Member_____

9/7/06

RESOLUTION ADOPTING THE NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT APPLICATION NO. PL-2006-0139 AND ZONE CHANGE APPLICATION NO. PL 2006-0068

WHEREAS, General Plan Amendment Application No. PL- 2006-0139 and Zone Change Application No. PL- 2006-0068 concerns a request by Hossien Mehrizi (Applicant) to amend the General Plan Land Use designation from Limited Medium-Density Residential to Medium-Density Residential, and change the Zoning from Medium-Density Residential with 4,000 square feet required per unit (RMB4) to Medium-Density Residential (RM), located along Silva Avenue, generally between Ramos Avenue and Jackson Street; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed applications on May 25, 2006, and recommended approval of the Negative Declaration, the request for General Plan Amendment and Zone Change; and

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

1. The project will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, and, therefore, a Negative Declaration has been prepared.

General Plan Amendment

2. The proposed land use will promote the public health, safety, convenience, and general welfare of the residents in Hayward in that the Medium-Density Residential land use designation will allow additional housing units within walking distance to BART in conjunction with improvements to be made to existing buildings and parking facilities;

3. The proposed General Plan Amendment is in conformance with the City's General Plan policies and the Jackson Triangle Neighborhood Plan and the

Zoning Ordinance, as amended, and will result in development that will be compatible with surrounding land uses and zoning. The Amendment is consistent with the Neighborhood Plan in that any additional development resulting from the amendment and zone change will be designed such that it will improve the neighborhood;

4. That the streets and public facilities, existing or proposed, are adequate to serve all uses permitted when the property is redesignated in that no new uses will be permitted; and

5. That the proposed General Plan Amendment will result in development that will be compatible with surrounding residential and commercial land uses and zoning, in that the amendment would allow five additional residential units in the project area.

Zone Change Application

6. Substantial proof exists that the proposes zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it will provide an opportunity to construct medium-density residential housing in an area within walking distance to BART;

7. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, in that the proposed density will be compatible with the high density to the east and the lower density to the south and west;

8. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to Medium Density Residential in that surrounding streets are fully developed with all utilities present; and

9. All uses permitted under the Medium Density Residential zoning district will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing RMB4 zoning, which does not allow for significant investment in nonconforming buildings.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, that the Negative Declaration is adopted and General Plan Amendment PL-2006-0139 and Zone Change PL-2006-0068 are hereby approved, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA September 12, 2006

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