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DATE: May 13, 2008

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: General Plan Amendment No. PL-2008-0013 and Zone Change No. PL-2007-0634, City of Hayward (Applicant) – Application to Amend General Plan Land Use Designation from Limited Open Space to Limited Medium Density and Rezone Six Properties from Agricultural (AB10A) to Single-Family Residential (RSB4) District

The Properties are Located at 29200, 29338, 29370, 29402 and 29606 Bodega Street

RECOMMENDATION

That the City Council adopts the attached resolution approving the Negative Declaration and related General Plan Amendment and introduces the attached ordinance rezoning the properties.

SUMMARY

Staff recommends that the General Plan Land Use designation for the six subject properties along Bodega Street be changed from Limited Open Space to Limited Medium Density Residential (8.7-12.0 dwelling unit per net acre) and the zoning of the property changed from Agricultural (AB10A, 10-acre minimum lot size) to Single-Family Residential (RSB4). The proposed amendment and rezoning reflect an adopted 2007-08 fiscal year budget objective and conform to the policies and strategies of the General Plan and the Mission-Garin Neighborhood Plan that encourage a varied housing supply to accommodate the diverse housing needs of those who live or wish to live in Hayward and which promote home ownership.

BACKGROUND

The subject properties were annexed as part of the Mission-Garin Annexation, which became effective May 31, 2006. That annexation allowed two major developments to be approved in the foothills above Mission Boulevard and below Garin Regional Park: the 179-unit La Vista development, which was approved in July of 2005, and the 126-unit Garin Vista development, which was approved in February 2006. Those developments will result in single-family homes being constructed on lots ranging in size from 4,400 to 4,700 square feet adjacent and to the north and south of the Bodega Street properties.

During the processing of the Mission-Garin Annexation, the Bodega Street property owners requested that the City consider modifying the General Plan and Zoning designations of their properties to allow a higher density, since the Garin Vista and La Vista properties were being rezoned to allow higher densities. However, such request was not reflected in the resulting zoning designation for the Bodega Street properties, which was Agricultural Zoning (10-acre minimum lot size). However, and as indicated in the attached June 5, 2007, City Council meeting minutes, Bodega Street property owner Andrea Dareing asked for assurance that the rezoning of the Bodega Street properties would occur in the upcoming fiscal year. The City manager at that time indicated that the rezoning of the Bodega Street properties was proposed to be initiated during fiscal year 2007-08 (see Exhibit E). The City Council concurred and authorized the Bodega Street rezoning study as an adopted budget objective for the Planning Division for the 2007-08 fiscal year (see Exhibit F).

DISCUSSION

The General Plan amendment and the rezoning would allow densities that would be compatible with surrounding existing developments and with the La Vista and Garin Vista residential developments. They would also be consistent with densities proposed by the Bodega Street property owners, including the Moitas, who live at the north end of Bodega Street, at the time the Mission Garin-Annexation was approved (see Exhibit G). Also, the owners support the proposed amendments as indicated by their input to staff at a December 12, 2007, neighborhood meeting and pursuant to subsequent conversations.

General Plan policies “Encourage the provisions of an adequate supply of housing units in a variety of housing types that accommodate the diverse housing needs of those who live or wish to live in the City” and “Promote development of infill housing units within existing residential neighborhoods in a variety of housing types”. Development of the subject properties pursuant to the densities proposed allows for development of single-family homes on smaller lots, which would allow opportunities for more affordable detached single-family homes when compared to homes on traditional 5,000 square foot lots (RSB4 allows 4,000 square foot lots.).

Also, the subject properties are appropriate for densities that are comparable to the Garin Vista and La Vista developments in that they contain moderate slopes of between 10 and 15 percent and are located at the base of the foothills, just to the east of the identified active Hayward fault trace. If the request is approved, most future development would occur below an elevation of 220 feet, which is below the hillside abutting Garin Regional Park where slopes become more severe. Those steeper areas are required to remain as open space as part of the La Vista and Garin Vista project approvals. Any proposed development on the subject properties would be minimally visible from the lower portions of Hayward, due to the relatively low elevation of the properties and to existing surrounding developments to the west.

Also, utilities and roadways would be adequate to serve future development in that a new roadway that would connect a new Tennyson Road extension and new Alquire Parkway extension would be located just to the west of the Bodega Street properties, providing direct, easy access to such properties. Additionally, as part of the La Vista and Garin Vista developments, new water mains and sanitary sewer and storm drain lines are required to be constructed adjacent to these properties.

Furthermore, as obligated by the Garin Vista Development Agreement, the Garin Vista developer is required to provide water, sanitary sewer, and storm drain facilities to serve the Bodega Street properties. The Development Agreement also requires the Garin Vista developer to improve Bodega Street.

Planning Commission Review

During the March 27, 2008, Planning Commission meeting, Some Commissioners expressed concern about the Hayward Fault trace that is located adjacent and to the west of the subject properties (see Exhibit H). Staff explained that as with other properties located within the State's Earthquake Fault Zone, prior to any development, a geologic fault investigation would be required to be conducted to confirm that no active faults would be located within 50 feet of a proposed home. One Commissioner was of the opinion that the subject properties, located to the east of the fault, were an inappropriate location for more development and expressed that he would not be supporting the proposal.

Commissioners supporting the General Plan Amendment and the Zone Change expressed support of the staff recommendation with the knowledge that it is a recommendation for General Plan Land Use and Zone Change, and not a development proposal at this time. They expressed trust in the homeowners at Bodega Street, because of their knowledge of the area, and their authority to determine the future of the area.

In order for the Planning Commission to approve an item, there must be four votes for approval, which represents a majority of the seven members. A motion to approve the General Plan Amendment and the Zone Change failed to carry on a 3-2 vote; with two Commissioners being absent. The application is therefore being forwarded to City Council without a Commission recommendation.

ENVIRONMENTAL REVIEW

The subject properties were part of the Mission Garin Annexation Study area and, as such, were assessed for impacts related to potential future development as part of the Program Environmental Impact Report (EIR) prepared for the annexation. Two of the five development scenarios analyzed in the EIR assumed a Limited Medium Density Residential General Plan Designation (8.7 – 12.0 units per net acre) for the subject properties. The EIR determined that development of the subject sites at any of the densities analyzed in the EIR would not have a significant environmental impact.

An Initial Study and Negative Declaration have been prepared (see attachment to Exhibit I) that analyzes possible environmental impacts associated with the proposed General Plan Land Use and Zoning changes. It has been determined that there would be no significant environmental impacts.

The proposed changes to the General Plan and Zoning designations would not provide authorization for new development. Any development of the properties would require separate applications and specific environmental analyses would be evaluated at that time.

FISCAL IMPACT

The General Plan Amendment and Zone Change will have no immediate fiscal impact.

PUBLIC CONTACT

Four responses were received from neighbors, one in favor of the proposal and three against. The negative responses came from Fairway Park residents not supporting the Zone Change, who cited existing traffic and wear and tear on the nearby roadway system which, in their opinion, is already in need of repair. They expressed the need for more open space and a community center in the area. There was also concern about the stability of the land of the subject parcels given the recent slides that occurred on the Garin Vista development site.

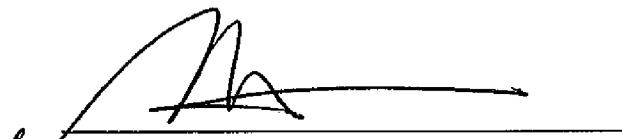
Bodega Street will be improved by the Garin Vista developers pursuant to the Garin Vista Development Agreement and, pursuant to the improvements required for the La Vista development, Bodega Street will be realigned to have access to Alquire Parkway instead of Woodland Avenue. Alquire Parkway is easily capable of handling any traffic resulting from future development.

On May 2, 2008, a Notice of Public Hearing for the City Council meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. To date, no responses have been received.

NEXT STEPS

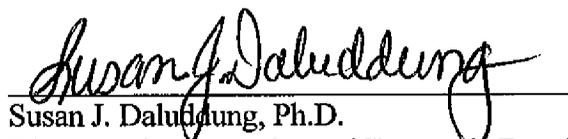
Should the Council approve the project, the General Plan and Zoning designations will change accordingly. Any development of the properties would require separate applications and specific environmental impacts would be evaluated at that time.

Prepared by:



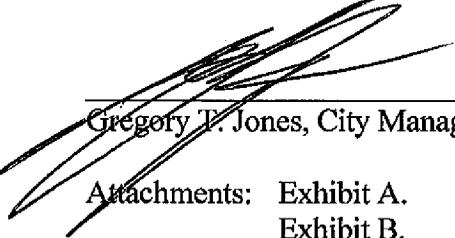
Tim R. Koonze
Associate Planner

Recommended by:



Susan J. Daludung, Ph.D.
Director of Community and Economic Development

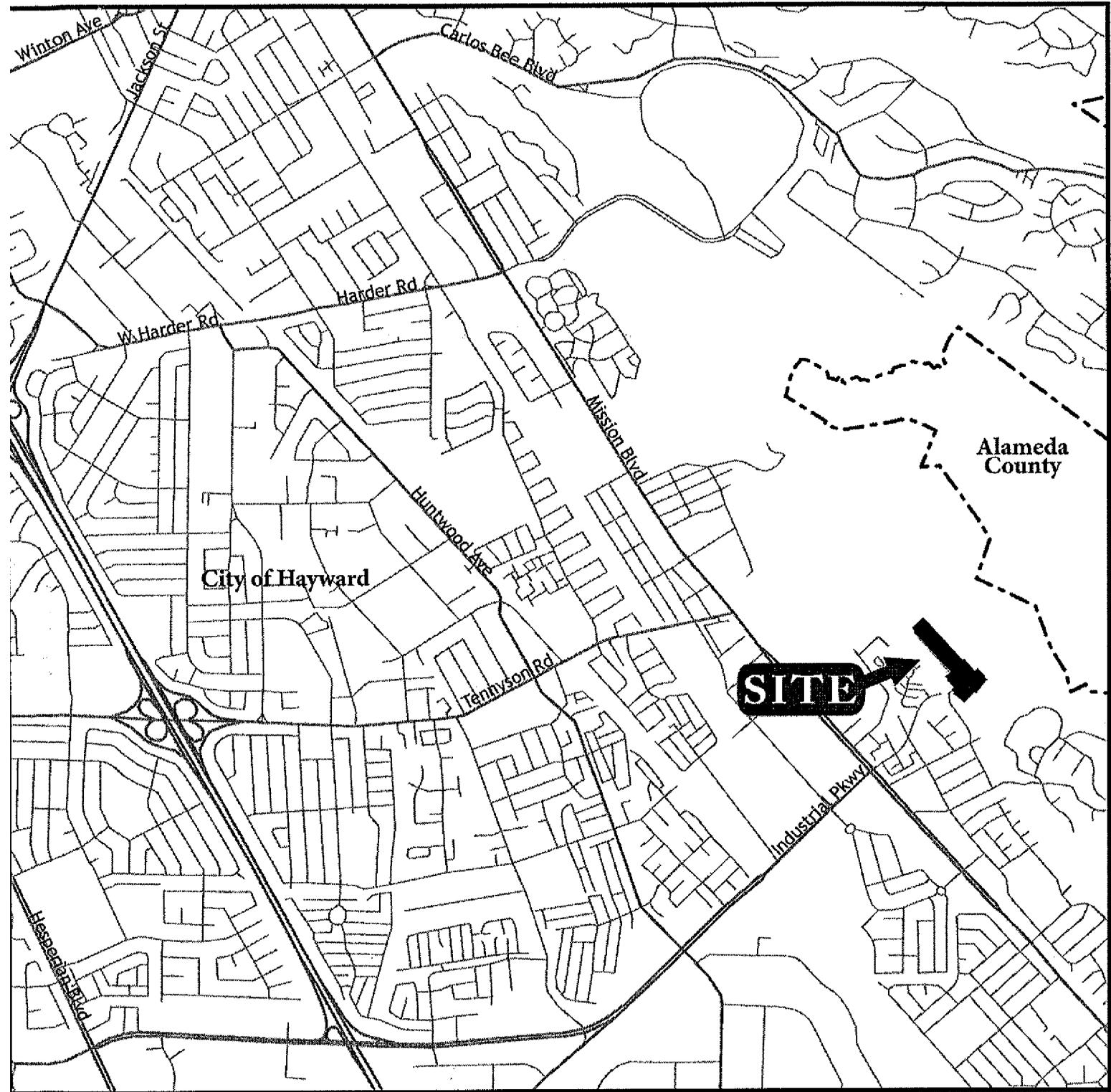
Approved by:



Gregory T. Jones, City Manager

Attachments:

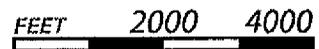
Exhibit A.	Vicinity Map
Exhibit B.	Area and Zoning Map
Exhibit C.	General Plan Map
Exhibit D.	Findings for Approval
Exhibit E.	Partial Minutes of June 5, 2007 City Council Meeting
Exhibit F.	Fiscal Year 2007-2008 Adopted Operating Budget (Community and Economic Development Department Objectives)
Exhibit G.	Partial Minutes of July 15, 2003 City Council Meeting
Exhibit H.	Minutes of March 27, 2008 Planning Commission Meeting Draft Resolution and Ordinance
Exhibit I.	March 27, 2008 Planning Commission Report (with attachments, including Initial Study and Negative Declaration)

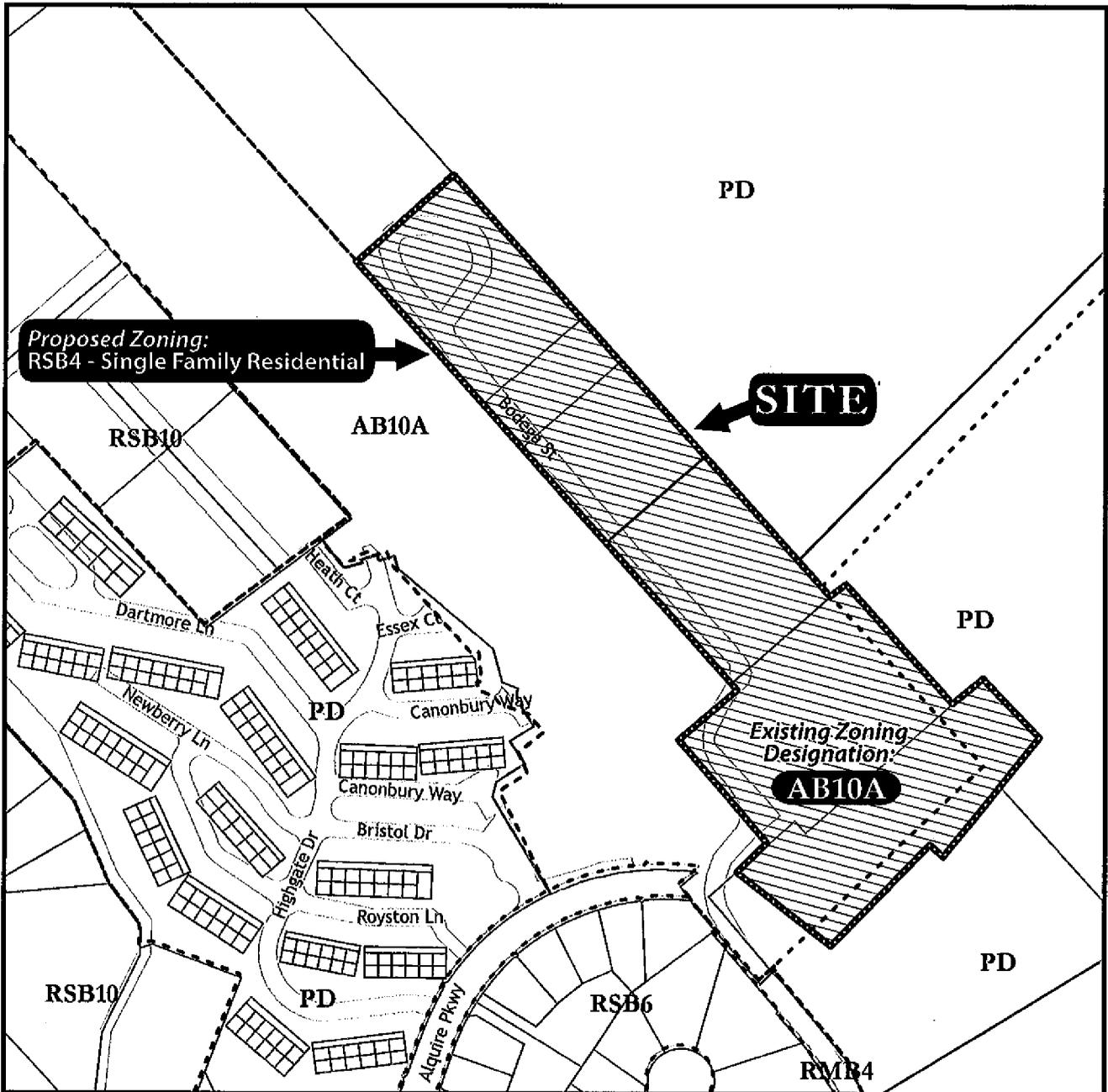


Vicinity Map

PL-2008-0013 GPA & PL-2007-063

29202 - 29606 Bodega Street





Area & Zoning Map

PL-2008-0013 GPA

PL-2007-0634

Address: 29202 - 29606 Bodega St

Applicant: City of Hayward

Owner: Multiple

Zoning Classifications

RESIDENTIAL

RMB4 Medium Density Residential, min lot size 4000 sqft

RSB6 Single Family Residential, min lot size 6000 sqft

RSB10 Single Family Residential, min lot size 10000 sqft

OPEN SPACE

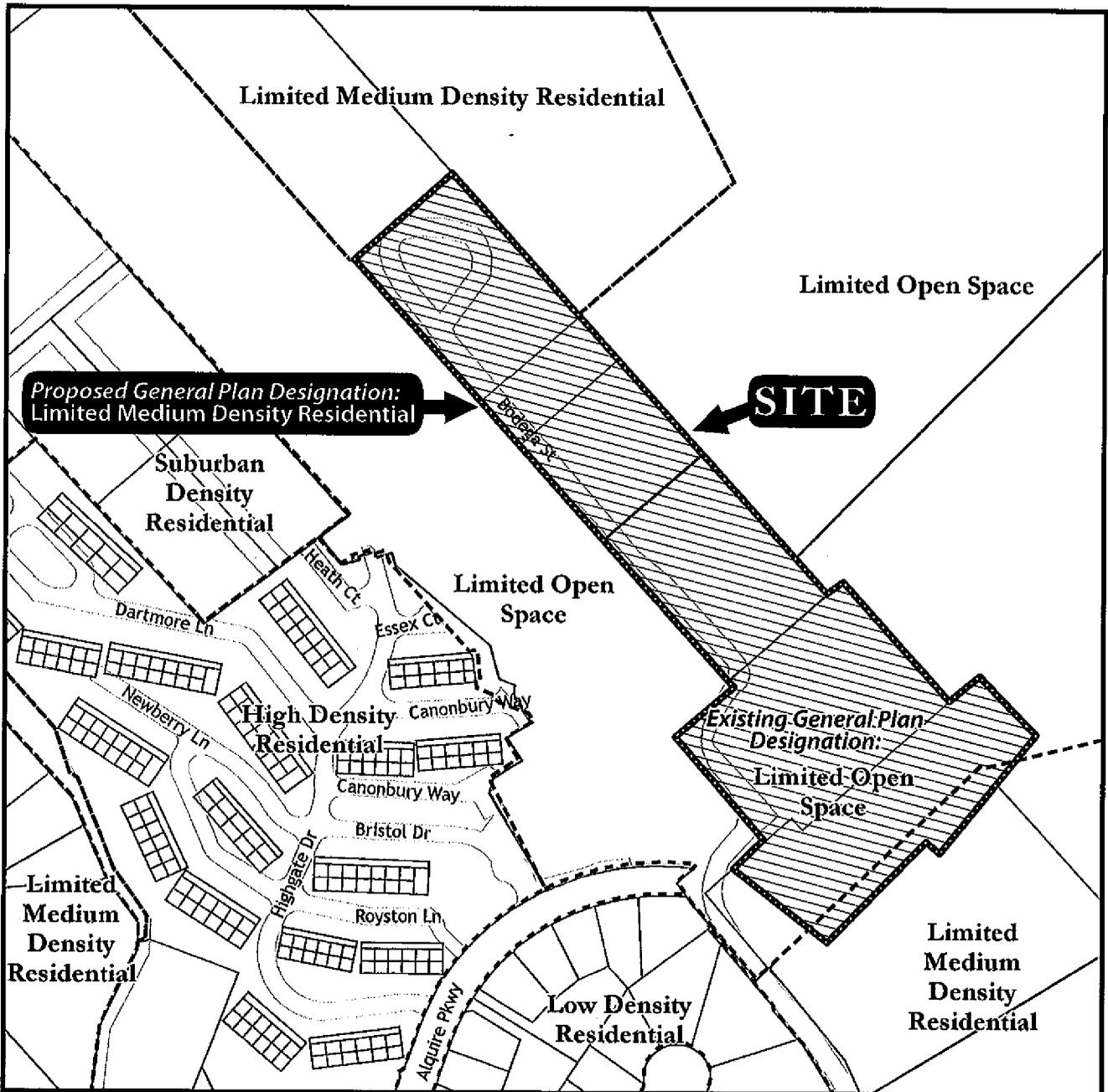
A Agricultural

OTHER

PD Planned Development



FEET 200 400



General Plan Map

PL-2008-0013 GPA

PL-2007-0634 ZC

Address: 29200 - 29606 Bodega St

Applicant: City of Hayward

Owner: Multiple



FEET 200 400

FINDINGS FOR APPROVAL

General Plan Amendment PL-2008-0013 and Zone Change PL-2007-0634 (City of Hayward – Applicant): Consideration of Amending General Plan Land Use Designation from Limited Open Space to Limited Medium Density and Rezoning of Six Properties from Agricultural (AB10A) to Single Family Residential (RSB4) District.

The properties are located at 29200, 29338, 29370, 29402 and 29606 Bodega Street.

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 Limited Medium-Density Residential land use designation will allow the potential for additional needed ownership housing units. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.
- C. That the proposed General Plan Amendment is in conformance with the City's General Plan policies and the policies and strategies within the Mission-Garin Neighborhood Plan, and will result in development that will be compatible with surrounding land uses and zoning. The Amendments to the General Plan and Zoning Ordinance approved as part of the Mission-Garin Annexation, superseded the limited medium density, which allowed 8-12 residential units an acre identified in the Mission-Garin Neighborhood Plan, to Limited Open Space which has a five acre minimum lot size. The subject lots average approximately one acre in size. However, at the request of the Bodega Street property owners, City Council agreed to examine the subject properties to establish a higher density for said properties and authorized the Bodega Street rezoning as an adopted budget objective for the 2007-08 fiscal year.

The Housing Policies and Strategies of the City's Housing Element of the General Plan include:

- *“Encourage the provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the city.”*
- *“Promote development of infill housing units within existing residential neighborhoods in a variety of housing types.”*

The proposal meets the above strategies and policies in that the RSB4 zoning will provide the opportunity to increase the supply of sought after affordable housing units in Hayward. The proposal will also help to increase the variety of housing types within the Mission-Garin neighborhood, which is developed with primarily single-family dwellings on standard or large parcels.

- D. That the streets and public facilities would adequately serve future development of these parcels. Based on the proposed zoning, as many as 60 units to be constructed on the subject parcels which would generate approximately 550 new vehicle trips per day. The latest Transportation Services Division traffic count for Alquire Parkway was conducted in July of 2005 and reported a count of 4,200 vehicles per day. Alquire Parkway is capable of accommodating 10,000 trips per day.
- E. That the proposed General Plan Amendment will result in development that will be compatible with surrounding residential land uses and zoning, in that the amendment would allow a density that reflects the neighborhood.

Findings for Approval – Zone Change:

- F. Rezoning the property to RSB4 allows for the creation of smaller lots which has the potential to provide ownership housing that would be more affordable for young families with children. The proposal would provide needed housing that will promote the public health, safety, convenience, and general welfare of the residents of Hayward. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.
- G. With the change from agricultural zoning to residential the proposal meets the purpose of the Single-Family Residential District which encourages creating an environment suitable for family life where children are members. With the change in the General Plan land use designation, as discussed above, the proposed zoning will be in conformance with the land use element of the General Plan in that the Limited Medium Density (LMD) land use designation encourages residential development at a slightly higher density than the standard Single Family Residential (RS) zoning district allows.

Bodega Street would have a minimal amount of traffic since it serves only the subject properties and two undeveloped properties zoned Agricultural, which have been retained as open space as part of the La Vista and Garin Vista tracts. In addition the properties are in close proximity to Garin Regional Park and a new 30-acre public park being constructed as part of the La Vista Development. These elements create a desirable setting for families with children.

- H. The development agreement with the Garin Vista developers require that water, sanitary sewer, and storm drain utilities be extended to serve the subject properties. The public facilities would adequately serve future development of these parcels. The agreement also requires Garin Vista developers to improve Bodega Street, a private street, with new paving, curbs, and gutters. As part of the La Vista development, Bodega Street will be re-aligned to connect to Alquire Parkway and eliminate the access to Woodland Avenue. The City's Transportation Services Division has determined that the private street and the surrounding public street system would be adequate to serve future development.

Based on the proposed zoning, as many as 60 units could be constructed on the subject parcels which would generate approximately 550 new vehicle trips per day. The latest Transportation Services Division traffic count for Alquire Parkway was conducted in July of 2005 and reported a count of 4,200 vehicles per day. Alquire Parkway is capable of accommodating 10,000 trips per day.

- I. The RSB4 single-family residential zoning allowing parcels to be 4,000 square feet would be compatible with the surrounding land uses. The recently approved La Vista and Garin Vista developments have similar densities. The proposed density is also compatible with the existing single-family developments to the west and the apartment complex to the southwest.

With the recent approval of the La Vista and Garin Vista developments the subject properties comprise one of the last opportunities for infill development in that neighborhood. Although there are other large pieces of undeveloped land, these pieces are comprised of steep slopes and are open space established as part of the La Vista and Garin Vista tracts.



**MINUTES OF THE SPECIAL JOINT
CITY COUNCIL/REDEVELOPMENT AGENCY
MEETING OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 5, 2007, 8:00 p.m.

MEETING

The Special Joint City Council/Redevelopment Agency Meeting was called to order by Mayor/Chair Sweeney at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Dowling.

ROLL CALL

Present: COUNCIL/RA MEMBERS Rodriquez, Quirk, Halliday, Dowling, Henson
MAYOR/CHAIR Sweeney
Absent: COUNCIL/RA MEMBER Ward

PRESENTATION

Business Recognition Award

Inline Distributing Company was awarded the June 2007 Business Recognition Award. It began operations in 1978 and opened its Hayward operation in 1992, and has had annual sales growth from approximately \$200,000 to \$65 million. This award was presented to Inline Distributing Company for the contributions it has made to the community by locating its distribution facility in Hayward, providing job opportunities to local residents, and contributing to the economic well being of the community. Mr. Henry Aparicio, Manager for the Hayward facility, accepted the award and thanked Council for this honor.

PUBLIC COMMENTS

John Teves, resident on Bradford Avenue, spoke about false alarm fines which he is currently contesting. He stated that there should be fines for property owners in the community who foster crimes by allowing individuals to live in their homes who deal drugs and steal cars. Mr. Teves asked that Council consider implementing such a policy.

Mayor Sweeney asked Police Chief Lowe to follow up and report back to Council on what is occurring on Bradford Avenue, and asked the Chief to work with the City Manager and City Attorney and give Council a report on the proposal.

Andrea Dareing, resident on Bodega Street, spoke on behalf of residents on the street regarding an amendment to the general plan regarding rezoning of the street which she had thought would occur sooner. She has acted in good faith and she cited issues with adjacent property owners of the Garin Vista development and the promised compensation for use of her property for access to the development and this has not occurred. The surrounding development has negatively impacted the value of her property. She asked for assurance that the rezoning of Bodega Street would occur in the upcoming fiscal year.

Mayor Sweeney asked for information regarding the dispute. City Manager Armas replied that Ms. Dareing had entered into a private agreement with a private individual regarding the property and

there is disagreement in the matter. He confirmed that the rezoning is scheduled for the upcoming fiscal year.

CONSENT

Items 2, 3, and 6 were removed for further discussion.

1. Approval of Minutes of the City Council Meeting of May 8, 2007

It was moved by Council Member Henson, seconded by Council Member Quirk, and carried with Council Member Ward absent, to approve the minutes of the City Council Meeting of May 8, 2007.

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of May 15, 2007

Mayor Sweeney noted that he was not in attendance at this meeting and therefore would not be voting on the approval of the minutes. He thanked Council for the kind words regarding his mother.

It was moved by Council/RA Member Dowling, seconded by Council/RA Member Henson, and carried with Council RA/Member Ward absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of May 15, 2007.

3. FY 2007-08 Annual Paratransit Plan

Staff report submitted by Neighborhood and Economic Development Manager Korth, dated June 5, 2007, was filed.

Council Member Henson inquired about the use of Measure B funds that are being used presently to support the pre-scheduling and same-day scheduling of service and what will occur after the funding runs out in 2008, shortage of qualified drivers, the difference between paratransit services and reported problems with the county-wide paratransit program. Mr. Korth responded reporting that Measure B funds were not intended as a sustainable source of funding but the City will do its part to absorb the pre-scheduling and same-day scheduling of service into the basic paratransit program. He stated that the City is working with MV Transportation, suggesting different methodologies to deal with the concern regarding the shortage of qualified drivers, such as review of their training program, compensation, and rewards for good work. He ensured that the City will continue to work with constituents to resolve any issues regarding the service.

It was moved by Council Member Henson, seconded by Council Member Dowling, and carried with Council Member Ward absent, to adopt the following:

Resolution 07-077, "Resolution Authorizing the City Manager to Submit a Paratransit Plan and Application for Measure B Gap Funds for FY 2007-08 to the Alameda County Transportation Improvement Authority and Negotiate and Execute All Documents Related to and in Support of These Activities"

City of Hayward



Adopted
Operating
Budget

FY 2007-08

General Fund

Community and Economic Development Department

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

FY 2006-07

Department Objectives/Accomplishments

1. Complete development of municipal parking structure associated with Cinema Place.

Completed. Garage scheduled to open June 2007.

2. Continue implementation of Cannery Area Plan, including infrastructure, school/park construction and development of remaining residential sites. Initiate school construction in March 2007.

Construction has commenced on school/park and is on schedule. RFP prepared for development of former school site.

3. Initiate implementation of South Hayward BART Concept Plan in conjunction with BART, AC Transit and the private development community in third quarter of 2006.

Two applications for mixed use projects are being processed.

4. Expand Community Preservation cases addressed in proportion to staffing increase (15-20% per Inspector).

New Community Preservation Inspector hired December 2006. Overall cases have increased by 20%.

5. Develop strategy for reuse of Caltrans Route 238 surplus properties by June 2007.

Land Use Study initiated July 2007.

6. Revise Historic Preservation Ordinance and list of historic properties by June 2007.

Objective continued to FY 2007-08.

7. Translate Planning and Building handouts into Spanish and incorporate Green Building information into handouts by June 2007.

Completed.

FY 2007-08

Department Objectives

1. Develop guidelines for additions and remodels to single-family homes in older neighborhoods addressing setback, parking and design standards by December 2007.

2. Continue refinancing of affordable housing developments for rehabilitation and extension of affordability term through the use of mortgage revenue bonds, HOME and Low and Moderate Income Housing funds.

3. Prepare General Plan Amendments and Rezoning recommendation to the City Council for Caltrans Route 238 properties by June 2008.

4. Initiate Mt. Eden Annexation Application for remaining two islands (Phase II).

5. Initiate rezoning of Bodega Properties.

6. Revise Historic Preservation Ordinance and list of historic properties by June 2008.

7. Present report which addresses the issue of the homeless in Hayward by January 2008.

Budget Overview

For 2007-08, the supply and services budget includes \$450,000 for the Social Services Program, along with a one-time appropriation of \$86,000 for the Day Worker Program.



MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 15, 2003, 8:00 p.m.

Senior Planner Calame responded that it was recommended by residents who favor Alternative E, but also coincidentally the 200-foot elevation contour tends to run very generally parallel to the Hayward fault.

Council Member Henson asked about development in the quarry or quarry bowl. He noted that there are higher areas than the quarry bowl. He noted that this plan would not be possible without the annexation. Lastly, he asked about the tax exchange that maintains the ratios.

Council Member Jimenez commended Senior Planner Calame for his tenacity. He asked about #14 of the development standards and design guidelines in Exhibit C. He asked for an example of the midpoint. Senior Planner Calame stated that if an area is zoned for medium density the density range would be between 50 and 100 percent.

Council Member Hilson stated that staff has made a good effort to identify all of the issues for this study. His main concern was the location of the earthquake fault and the proposed development near that fault. He asked about state rules. He commented on displacement depths and asked if the report provides any assurances that structures will withstand displacement.

Senior Planner Calame noted that State law states that no habitable structure can be situated within 50 feet of the known fault trace. The earthquake fault zone boundary extends more on either side of the fault trace. Its purpose is to indicate when geotechnical studies must be done.

Director of Public Works Butler commented on the requirements of the Alquist-Priolo Act and stated that its purpose is to require detailed studies of the property within the zone identified to assure that no structure is built on active traces of a fault. He commented on the issue of ground shaking that is better addressed in the building codes. He also noted that the building code addresses life-safety issues not building damage. The quarry is primarily rock and would be less likely to have liquefaction issues. He discussed the issues related to good water quality.

Council Member Rodriguez thanked the staff for the study and noted that mitigation has covered practically everything. She asked about the habitat issue related to the frog and the whip snake. She also discussed the elevations of homes in relation to the preservation of views.

Senior Planner Calame stated that more sites specific studies will require additional input from other agencies when individual sites are developed whereas this study only provides a program level.

City Manager Armas reiterated that there are no regulations at this time to preserve view sheds.

Council Member Jimenez asked what the Tomanek property would be zoned. It was noted that it would be zoned the same as the surrounding properties.

Mayor Cooper opened the public hearing at 9:23 p.m.

Jim Moita, representing his mother who resides on Bodega Street, also spoke on behalf of the property owners on that street. He asked for parity in density that allows 3,500 square feet per unit. If the staff recommendation is approved, the property owners may need to band together and request a separate inhabited annexation from LAFCO.

Peter Ruggeri, consultant for the developers, used an aerial diagram to point out the property to be developed. He stated that the Alquire extension would allow access to the properties as well as access roads. He showed a close-up of the Bodega Street area and stated that the developer will provide a new access to Bodega as well as provide water and sewer utilities, proper drainage, and pave the private street.

Council Member Henson asked about seismic mitigations and standards related to roads and their construction. Mr. Ruggeri made recommendations on the use of flexible materials for utilities.

Council Member Ward asked whether the residents were receptive to these amenities that would be provided to them by the developers.

City Manager Armas reported that he had two meetings with the residents, who thought it was a generous offer, but as stated by a previous speaker, the property owners would also like some other considerations.

Scott Raty, on behalf of the Chamber of Commerce, spoke in favor of development and the community amenities it would bring to Hayward. He urged the Council to allow development in the quarry.

William Burnside, a member of the first Mission-Garin Task Force, provided a historical perspective of the results of this effort and spoke against building on the hillsides. He did not agree that housing could be built then covered by landscaping. He commended Kendra Mendall for her submittal to the Daily Review related to this issue and read from her comments.

Evelyn Cormier, speaking on behalf of the Hayward Area Planning Association, thanked the staff for an excellent study and thanked the Council for allowing community input. She expressed that the best solution for this area is Alternative E of the proposal.

Dean Neilsen indicated that he has an option for the Cuevas property. He spoke in favor of placing a reasonable number of units on that property and agreed that views should be protected. He reported that development on this property would not visually impact the hills.

Al Mendall stated that he was a member of the neighborhood group that provided information to recommend Alternative E. He gave five primary reasons for the 200-foot limit. Homes built under that limit would be slightly visible. Secondly, the slope of the hillside increases and could cause slides. Thirdly, the fault runs through the hillside, which could be mitigated but not eliminated. His fourth reason was the existing infrastructure ends approximately at that elevation. The fifth reason is that the limit is consistent with the City's design guidelines. He

Commissioner McKillop indicated that the public deserved the full Commission to hear the concerns and apologized for the inconvenience.

Ms. Sara Quinteros, Oakes Drive resident, indicated that the postponement might be to the advantage of interested parties because this would provide additional time to further research the proposal. Ms. Quinteros did not think that the City had the legal right to allow an exclusive use of public street for 17 homeowners. She stated that the general public is not able to park on Durham Way because the City vacated it. She was in opposition to the proposed security gate, especially when 12 out of 17 homeowners are in opposition.

Chair Peixoto apologized to the attendees for the continuance of the public hearing. He indicated that he was not aware of the continuance until the afternoon prior to the meeting.

PUBLIC HEARING

1. **Site Plan Review No. PL-2007-0463 –Woodland Knolls Homeowner’s Association (Applicant/Owner) – Request to Install an Automatic Security Access Gate across Durham Way - The Project is Located Approximately 240 Feet Northerly of the Intersection of Durham Way and Oakes Drive**

This public hearing was continued to April 24, 2008.

2. **General Plan Amendment No. PL-2008-0013 and Zone Change Application No. PL-2007-0634 – City of Hayward (Applicant) – Consideration of Amending General Plan Land Use Designation from Limited Open Space to Limited Medium Density and Rezoning of Six Properties from Agricultural (AB10A) to Single Family Residential (RSB4) District – The Properties are Located at 29200, 29338, 29370 29402 and 29606 Bodega Street**

Staff report submitted by Associate Planner Koonze, dated March 27, 2008, was filed.

Planning Manager Rizk summarized the staff report.

In response to Commissioner Loché’s inquiry related to the State of California Earthquake Fault Zone and the depth of the geological report, Planning Manager Rizk noted that there are two geologic assessments that would be conducted in order to locate and confirm that fault traces are not closer to the 50-foot habitat structure, and also to assess for characteristics of landslide slope and soil. Mr. Rizk added that if the geologic fault investigation reveals a fault trace within 50-feet of a habitable building, the City would not allow that building.

Commissioner Mendall inquired if the same requirements for trenching and an investigation that was performed for the Garin Vista site would also be required for any future development associated with the proposal. Planning Manager Rizk indicated in the affirmative and that given the knowledge about the landslide and characteristics of the adjacent land, there is potential to have a more accurate geotechnical analysis. In reference to the potential maximum 60 single-family dwellings and the 50-foot setback requirements, Mr. Rizk indicated that more specific fault investigation and details regarding a development proposal need to be conducted prior to



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, March 27, 2008, 7:30 p.m.
777 B Street, Hayward, CA 94541**

confirming setback requirements.

Commissioner Lavelle confirmed that the proposal was related to a land use and zoning designation and not to a proposal for development. In response to Commissioner Lavelle, Planning Manager Rizk indicated that there are five landowners and six parcels on Bodega Street. In response to Ms. Lavelle's indication to the City's policies and the reference that RSB4 zoning would provide opportunity for affordable housing, Planning Manager Rizk clarified that affordable housing, as indicated in the staff report, refers to smaller than standard size lots and homes in an area with amenities, and not to below market housing.

Chair Peixoto opened the public hearing 8:10 at p.m.

Ms. Adelaida B. Moita, Bodega Street resident, spoke about the Mission-Garin Annexation and disagreed that the zoning initially contemplated had a 10-acre minimum lot size. Ms. Moita expressed that Bodega Street residents were not satisfied with the end result of the annexation.

Ms. Donna Vingo, Overhill Drive resident, noted that the use of the term "urban infill" in the report did not accurately reflect the regions that were annexed. Ms. Vingo disagreed that the proposal would create affordable housing. Planning Manager Rizk concurred that the proposal is not an *urban* infill environment, but an infill site because of the surrounding development and density. Ms. Vingo also expressed concern for farm animals and the future development. Mr. Rizk clarified that, from a regulatory stand point, there would not be a prohibition to keep animals related to this proposal. He added that separation between agricultural livestock and future development should not be impacted by this proposal.

Ms. Andrea Dareing, Bodega Street resident, expressed concern whether the property the City gave her in exchange for her land to make a road would not be affected, should she wish to develop it. She added that bore holes were found on her property and on the property of Jack Smith.

Chair Peixoto closed the public hearing at 8:20 p.m.

Commissioner Lavelle was pleased to learn more about the Mission-Garin neighborhood. Ms. Lavelle expressed support for the staff recommendation with the knowledge that it is a recommendation for General Plan Land Use and Zoning change and not development proposal at this time. She trusted homeowners at Bodega Street, because of their knowledge of the area and their authority to determine the future of the area. She indicated satisfaction to learn that the term "affordable housing" does not imply below market rate housing. She made a motion per staff recommendation.

Commissioner McKillop seconded the motion.

Commissioner Mendall asked clarification regarding Ms. Moita's comments. Planning Manager Rizk indicated that what was recommended for approval by the Commission and later approved by

Council in 2003 was a designation for properties as a Limited Open Space General Plan designation and a Pre-zoning of Agricultural, 10-acre minimum.

Commissioner Mendall indicated that he was not in favor of the Mission-Garin Annexation and was not compelled to keep approving additional development in an inappropriate location. He indicated that he would be voting against the motion.

Commissioner Lavelle moved, seconded by Commissioner McKillop, and failed with the following vote, to recommend to City Council to adopt the Initial Study and Negative Declaration, pursuant to the California Environmental Quality Act (CEQA) and; approve the General Plan Amendment and Zone Change applications, subject to the findings.

AYES: Commissioners McKillop, Lavelle
Chair Peixoto
NOES: Commissioners Mendall, Loché
ABSENT: Commissioners Sacks, Thnay
ABSTAINED: None

With no additional motions on the floor, Assistant City Attorney Conneely noted that since the motion failed for lack of quorum, the application would be forwarded to City Council.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

Planning Manager Rizk reported that Community Preservation is looking into the alleged illegal activity at a property on Oakview Avenue and staff will keep the concerned residents informed. Mr. Rizk also stated that Public Works staff conducted an analysis for speed bumps on Oakview Avenue and determined that the site did not meet the criteria. Furthermore, he reported on the Portsmouth Avenue property, indicating that the Police Department is investigating the matter. Lastly, he reported on a Sustainability Committee Tour of the Stopwaste.org's LEED Platinum Certified Building. A booklet was made available related to such building.

4. Commissioners' Announcements, Referrals

Commissioner Mendall reported on tagging on the back of a property facing Industrial Boulevard, just west of the railroad tracks near the BART track. He urged the property owner to plant vegetation on the property which continues to be tagged regardless of Community Preservation intervention.

Commissioner McKillop commended the Fire Department and especially Fire House No. 1 for the professional work performed at her business. She stated that they went above and beyond the call of duty.

APPROVAL OF MINUTES

The Minutes of January 24, 2008 and March 13, 2008 were approved.



DATE: March 27, 2008

TO: Planning Commission

FROM: Tim R. Koonze, Associate Planner

SUBJECT: General Plan Amendment No. PL-2008-0013 and Zone Change No. PL-2007-0634 City of Hayward (Applicant) - Consideration of Amending General Plan Land Use Designation from Limited Open Space to Limited Medium Density and Rezoning of Six Properties from Agricultural (AB10A) to Single Family Residential (RSB4) District

The Properties are Located at 29200, 29338, 29370, 29402 and 29606 Bodega Street

RECOMMENDATION:

That the Planning Commission recommend the following to the City Council:

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

SUMMARY:

Staff recommends that the properties be rezoned from an Agricultural District, with a 10 acre minimum lot size, to a Single-Family Residential District with a minimum lot size of 4,000 square feet. The proposed rezoning would allow densities that would be compatible with surrounding and recently approved residential developments, and would be consistent with densities proposed by the subject property owners at the time the adjacent Garin Vista project was approved. The proposal would also provide the possibility of infill housing in the form of smaller lot ownership housing commensurate with the Housing Policies and Strategies of the City's Housing Element of the General Plan.

BACKGROUND:

The subject properties were annexed as part of the Mission-Garin Annexation, which became effective May 31, 2006. The Mission-Garin Annexation was initiated at the request of developers requesting to construct two subdivisions located to the north and south of the Bodega Street properties. To the north is the La Vista Development, approved in July of 2005, a subdivision

creating 179 single-family homes, and to the south is the Garin Vista Development, approved in February of 2006, a subdivision creating 126 single-family homes.

As reflected in the attached City Council Meeting minutes, during the processing of the Mission-Garin Annexation, the Bodega Street property owners requested that the City consider modifying the General Plan and Zoning designations to allow a higher density on their properties since surrounding properties were being rezoned to higher densities. Although the subject properties remained in agricultural zoning, reflective of the County designation, the City Council authorized the Bodega Street rezoning as an adopted budget objective for the 2007-08 fiscal year.

DISCUSSION:

Project Description and Setting

The subject properties are located at the northernmost end of Bodega Street. They lie along the foothills with the front portions of the properties having slopes ranging from 4 to 12 percent with steeper upward slopes along the rear of the properties. Five properties are developed with single-family homes with support structures such as garages and sheds. There is a barn structure on the sixth parcel.

All existing dwellings are served by wells and septic tank systems. A development agreement, approved as part of the Garin Vista project, required the Garin Vista developers to install water, sanitary sewer, and utility extensions to the subject parcels and improve Bodega Street at no cost to the Bodega Street property owners.

The approved La Vista and the Garin Vista Developments are zoned Planned Development Districts and would consist of single-family homes on properties that range from 4,425 to 4,680 square feet. The area adjacent and to the west of the subject properties contains the main traces of the Hayward Fault and would accommodate a new road that will eventually connect the extension of Alquire Parkway and Tennyson Road. Clarendon Hills, a high density development with a mixture of apartments and condominiums, is located adjacent to the vacant property to the west. To the east is land with significant slopes that is comprised of open space established as part of the La Vista and Garin Vista tracts. Both areas would remain in an Agricultural zoning district. There are detached single-family home developments nearby to the northwest and southwest.

The properties are located within a "State of California Earthquake Fault Zone." Any future development would require an earthquake fault investigation and preparation of a geological report, with future development required to conform to the recommendations of that report.

The amendments to the General Plan and Zoning Ordinance approved as part of the Mission-Garin Annexation, superseded the limited medium density, which allowed 8-12 residential units an acre identified in the Mission-Garin Neighborhood Plan, to Limited Open Space which has a five acre minimum lot size. The subject lots average approximately one acre in size.

Project Analysis

In making its recommendation, the Planning Commission would be doing so with the understanding that changing the zoning from Agricultural (AB10A) to Single Family Residential (RSB4) District does not assure that the subject properties would be developed. If changed to RSB4, it allows the opportunity for the properties to be developed with minimum 4,000 square foot parcels. Any development of the properties would require separate applications and would be evaluated at that time.

The Planning Commission must make the following findings to recommend approval of the General Plan Amendment and the Zone Change. Staff's responses to the findings follow.

Findings

Findings for Approval – General Plan Amendment:

A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.

That the proposed General Plan Amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Limited Medium-Density Residential land use designation will allow the potential for additional needed ownership housing units. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.

B. The proposed change is in conformance with all applicable, officially adopted policies and plans.

That the proposed General Plan amendment is in conformance with the City's General Plan policies and the policies and strategies within the Mission-Garin Neighborhood Plan, and will result in development that will be compatible with surrounding land uses and zoning.

The Housing Policies and Strategies of the City's Housing Element of the General Plan include:

- *“Encourage the provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the City.”*
- *“Promote development of infill housing units within existing residential neighborhoods in a variety of housing types.”*

The proposal meets the above strategies and policies in that the RSB4 zoning will provide the opportunity to increase the supply of sought after affordable housing units in Hayward. The proposal will also help to increase the variety of housing types within the

Mission-Garin neighborhood, which is developed with primarily single-family dwellings on standard or large parcels.

The Policies and Strategies for Implementation in the Mission-Garin Neighborhood Plan include:

- *“Encourage a mixture of housing types in the study area.”*
- *“A mixture of dwelling units for home ownership and renter occupancy should be encouraged in the study area.”*

The proposal meets the above policies and strategies in that a mixture of housing types can be created in that the RSB4 zoning will allow small lot single-family ownership housing to be constructed creating a more affordable single-family home.

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.

The development agreement with the developers of Garin Vista requires that said developers extend water, sanitary sewer, and storm drain facilities to serve the Bodega Street properties. The public facilities would adequately serve future development of these parcels. The agreement also requires Garin Vista developers to improve Bodega Street. As part of the La Vista development, Bodega Street will be re-aligned to connect to Alquire Parkway and eliminate the access to Woodland Avenue.

Based on the proposed General Plan amendment and zone change, as many as 60 single-family dwellings could be constructed on the subject parcels which would generate approximately 550 new vehicle trips per day. The latest Transportation Services Division traffic count for Alquire Parkway was conducted in July of 2005 and reported a count of 4,200 vehicles per day. Alquire Parkway is capable of accommodating 10,000 trips per day. The City's Transportation Planner has determined that the increase in vehicular trips would not be a significant impact on the public street system serving the subject properties. The City's Transportation Services Division has determined that the improved Bodega Street and surrounding street system can adequately serve future development.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The proposed General Plan amendment will result in potential for development that would be compatible with surrounding residential land uses, density, and zoning, and provide additional opportunities for ownership housing. No additional new development of single-family homes could occur without such amendment.

Findings for Approval – Zone Change:

A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.

Rezoning the property to RSB4 allows for the creation of smaller lots than the standard 5,000 square foot single-family lot. The smaller lots have the potential to provide more affordable ownership housing to young families with children.

B. The proposed change is in conformance with the purposes of this ordinance and all applicable, officially adopted policies and plans.

With the change from agricultural zoning to residential the proposal meets the purpose of the Single-Family Residential District which encourages creating an environment suitable for family life where children are members. Bodega Street would have a minimal amount of traffic since it serves only the subject properties and two undeveloped properties, which have been retained as open space as part of the La Vista and Garin Vista tracts. In addition the properties are in close proximity to Garin Regional Park and a new 30-acre public park being constructed as part of the La Vista Development. These elements create a desirable setting for families with children.

The proposed zone change meets the land use purposes expressed in the Zoning Ordinance:

- *“Allow for the infill and reuse areas at their prevailing scale and character.”*
- *“Accommodate expansion of development into vacant and underutilized lands within environmental and infrastructure constraints.”*

The proposal meets the above land use purposes by creating a zoning that would allow the potential of creating infill development of the underutilized subject parcels. The densities proposed are consistent with existing densities in the area. The existing and proposed utilities and roads can adequately serve the development of these underutilized parcels.

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.

With the improvements to be constructed pursuant to the development agreement with the Garin Vista developers and the realignment of Bodega Street to direct the access to Alquire Parkway, the public facilities would adequately serve future development of these parcels.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The existing General Plan and zoning designations which require a minimum lot size of 10 acres are inconsistent with the surrounding land uses which consist of single-family

developments which have similar densities, standard single-family tract homes and a high density development consisting of apartments and condominiums. The proposal allows infill to occur at a density that is consistent with the surrounding area and provides single-family housing opportunities to families with children looking to get into a single-family home.

ENVIRONMENTAL REVIEW:

The subject properties were part of the Mission Garin Annexation and, as such, were also a part of the Environmental Impact Report (EIR) prepared for the annexation. One of the development scenarios analyzed in the EIR assumed a medium density General Plan Designation for the subject properties. The EIR determined that development of the subject sites would not have a significant environmental impact.

An initial study and negative declaration have been prepared that analyzes possible environmental impacts, based upon the densities proposed for the properties. It was further determined that there would be no significant environmental impacts.

The existing and proposed roads and utilities that are to be installed by the Garin Vista Developers either as a requirement of the tract improvements or pursuant to the development agreement with the Bodega Street property owners can adequately serve the future development of these parcels.

The proposed changes in the General Plan and Zoning designations would not provide authorization for new construction, public or private road improvements, grading, or any other changes to the current condition of the properties. Any development of the properties would require separate applications and specific environmental impacts would be evaluated at that time.

PUBLIC NOTICE:

On February 21, 2008, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records.

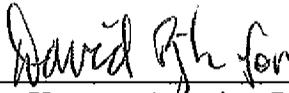
Four responses were received from neighbors, one in favor of the proposal and three against. Those not supporting the zone change cited existing congested traffic, wear and tear on the nearby roadway system, which is already in need of repair, the need for more open space, and the need for a community center.

Bodega Street will be improved by the Garin Vista developers pursuant to the development agreement and Bodega Street will be realigned as part of the La Vista development, to have access to Alquire Parkway instead of Woodland Avenue. As noted above, the Alquire Parkway is easily capable of handling any future traffic resulting in development of the Bodega Street sites. Every new home would have to pay a supplemental building construction and improvement tax which is directed to the general fund of which a portion would be used to maintain City Streets.

To the east of the subject parcels is land with significant slopes that is comprised of open space established as part of the La Vista and Garin Vista tracts. Both areas would remain undeveloped.

As identified in the South Hayward BART Plan, a community center is envisioned at the southwest corner of Valle Vista Avenue and Mission Boulevard. This center would be in close proximity with the purpose of serving the residents in this area.

Prepared by:



Tim Koonze, Associate Planner

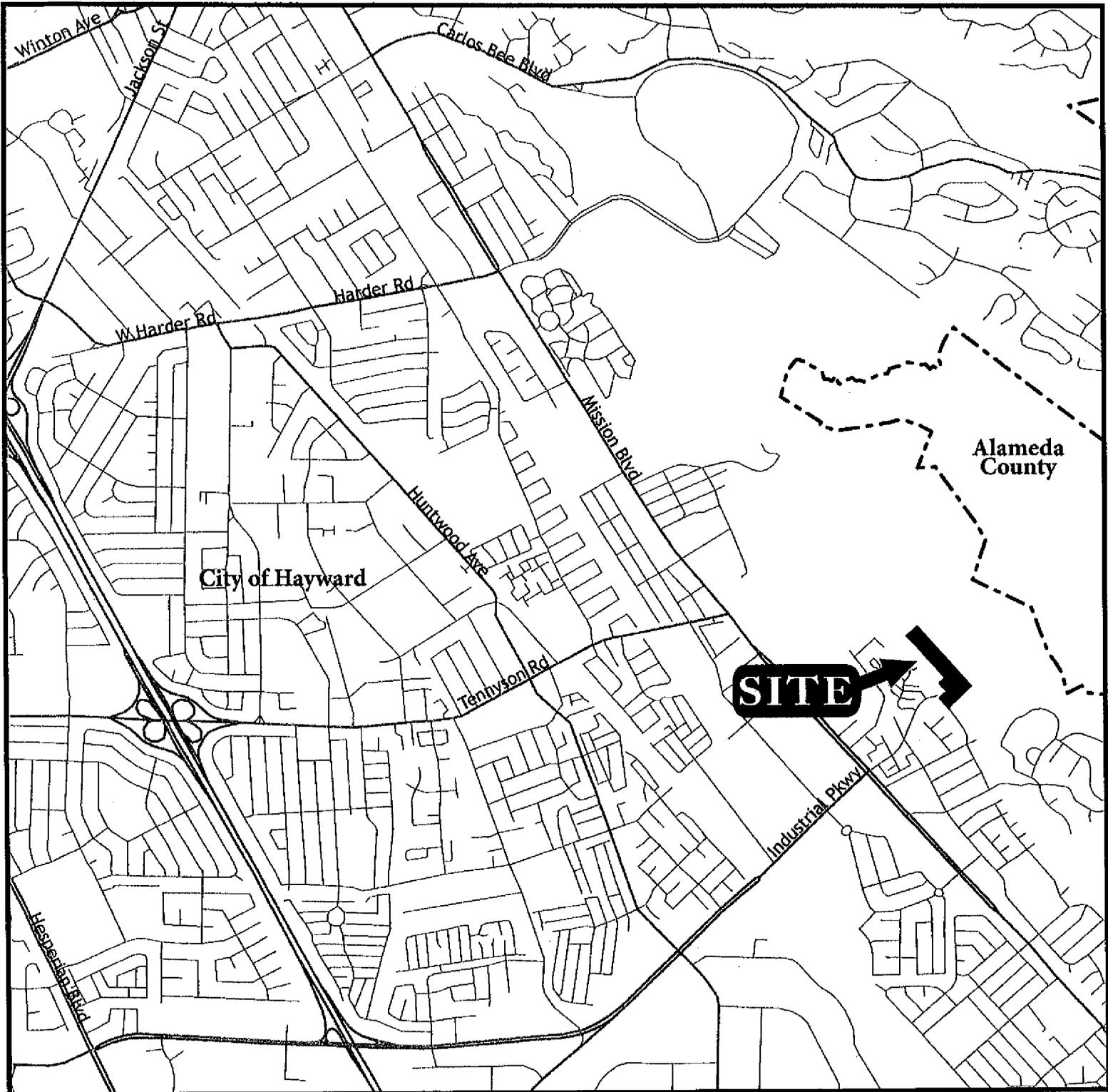
Recommended by:



David Rizk, Planning Manager, AICP

Attachments:

- A. Vicinity Map
- B. Area/Zoning Map
- C. General Plan Land Use Designation Map
- D. Findings for Approval – General Plan Amendment and Zone Change Applications
- E. February 21, 2006 City Council Staff Report for Garin Vista Development

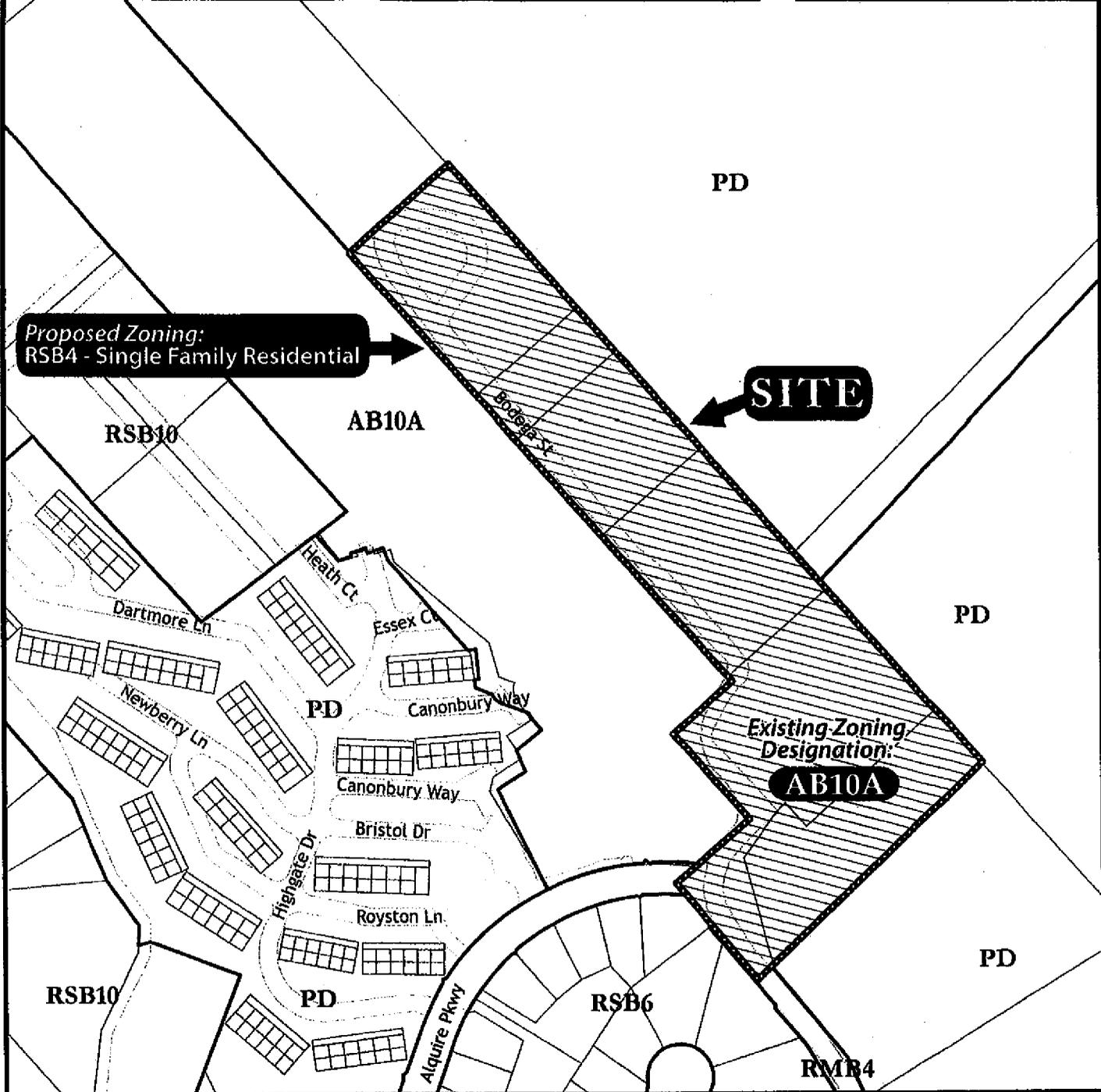


Vicinity Map

PL-2008-0013 GPA & PL-2007-063

29202 - 29606 Bodega Street





Proposed Zoning:
RSB4 - Single Family Residential

SITE

Existing Zoning Designation:
AB10A

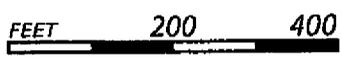
Area & Zoning Map

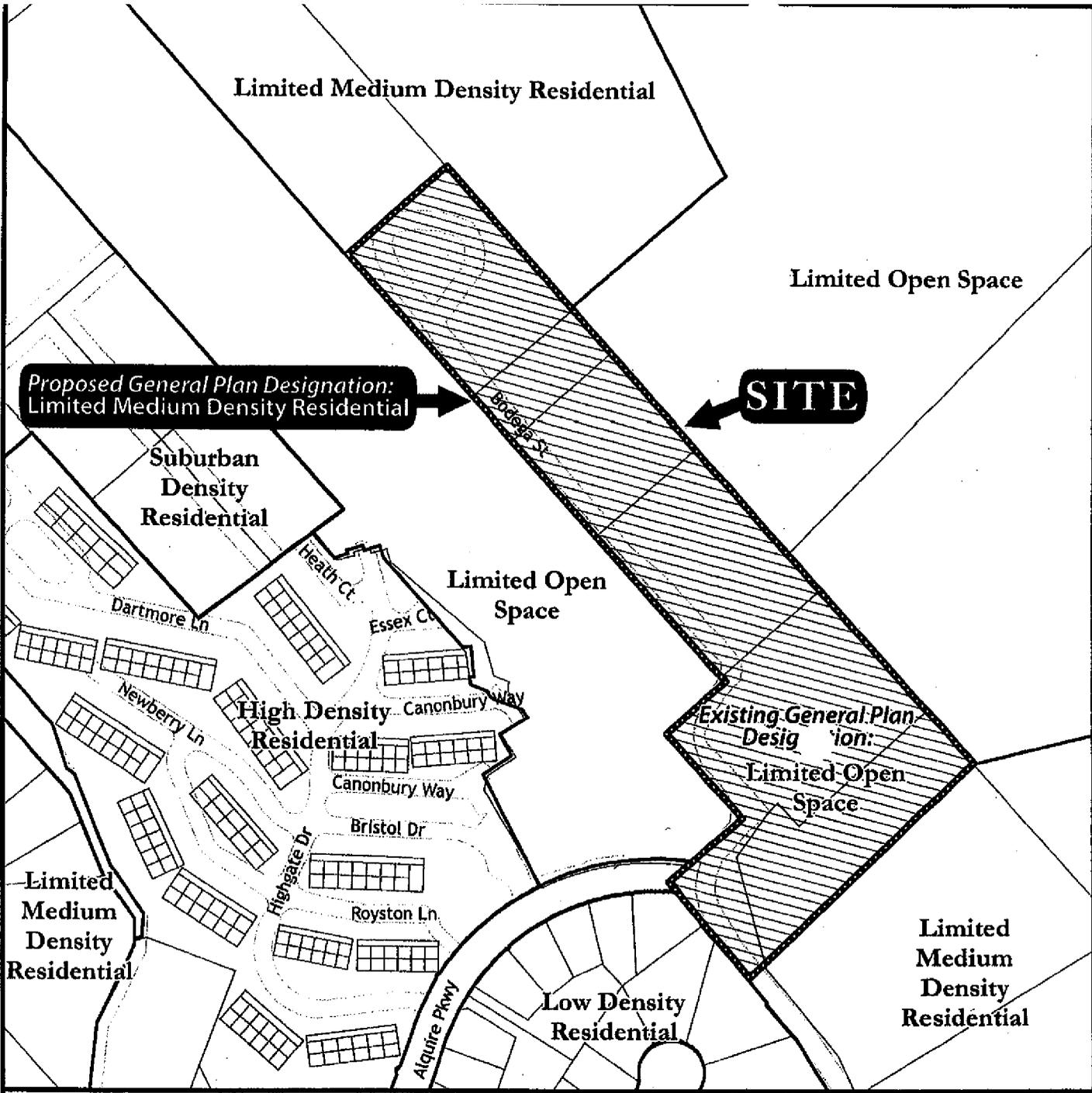
PL-2008-0013 GPA
PL-2007-0634

Address: 29202 - 29606 Bodega St
Applicant: City of Hayward
Owner: Multiple

Zoning Classifications

- RESIDENTIAL**
- RMB4** Medium Density Residential, min lot size 4000 sqft
- RSB6** Single Family Residential, min lot size 6000 sqft
- RSB10** Single Family Residential, min lot size 10000 sqft
- OPEN SPACE**
- A** Agricultural
- OTHER**
- PD** Planned Development





General Plan Map

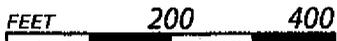
PL-2008-0013 GPA

PL-2007-0634

Address: 29200 - 29606 Bodega St

Applicant: City of Hayward

Owner: Multiple



FINDINGS FOR APPROVAL

General Plan Amendment PL-2008-0013 and Zone Change PL-2007-0634 (City of Hayward – Applicant): Consideration of Amending General Plan Land Use Designation from Limited Open Space to Limited Medium Density and Rezoning of Six Properties from Agricultural (AB10A) to Single Family Residential (RSB4) District.

The properties are located at 29200, 29338, 29370, 29402 and 29606 Bodega Street.

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 Limited Medium-Density Residential land use designation will allow the potential for additional needed ownership housing units. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.
- C. That the proposed General Plan Amendment is in conformance with the City's General Plan policies and the policies and strategies within the Mission-Garin Neighborhood Plan, and will result in development that will be compatible with surrounding land uses and zoning. The Amendments to the General Plan and Zoning Ordinance approved as part of the Mission-Garin Annexation, superseded the limited medium density, which allowed 8-12 residential units an acre identified in the Mission-Garin Neighborhood Plan, to Limited Open Space which has a five acre minimum lot size. The subject lots average approximately one acre in size. However, at the request of the Bodega Street property owners, City Council agreed to examine the subject properties to establish a higher density for said properties and authorized the Bodega Street rezoning as an adopted budget objective for the 2007-08 fiscal year.

The Housing Policies and Strategies of the City's Housing Element of the General Plan include:

- *“Encourage the provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the city.”*
- *“Promote development of infill housing units within existing residential neighborhoods in a variety of housing types.”*

The proposal meets the above strategies and policies in that the RSB4 zoning will provide the opportunity to increase the supply of sought after affordable housing units in Hayward. The proposal will also help to increase the variety of housing types within the Mission-Garin neighborhood, which is developed with primarily single-family dwellings on standard or large parcels.

- D. That the streets and public facilities would adequately serve future development of these parcels. Based on the proposed zoning, as many as 60 units to be constructed on the subject parcels which would generate approximately 550 new vehicle trips per day. The latest Transportation Services Division traffic count for Alquire Parkway was conducted in July of 2005 and reported a count of 4,200 vehicles per day. Alquire Parkway is capable of accommodating 10,000 trips per day.
- E. That the proposed General Plan Amendment will result in development that will be compatible with surrounding residential land uses and zoning, in that the amendment would allow a density that reflects the neighborhood.

Findings for Approval – Zone Change:

- F. Rezoning the property to RSB4 allows for the creation of smaller lots which has the potential to provide ownership housing that would be more affordable for young families with children. The proposal would provide needed housing that will promote the public health, safety, convenience, and general welfare of the residents of Hayward. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.
- G. With the change from agricultural zoning to residential the proposal meets the purpose of the Single-Family Residential District which encourages creating an environment suitable for family life where children are members. With the change in the General Plan land use designation, as discussed above, the proposed zoning will be in conformance with the land use element of the General Plan in that the Limited Medium Density (LMD) land use designation encourages residential development at a slightly higher density than the standard Single Family Residential (RS) zoning district allows.

Bodega Street would have a minimal amount of traffic since it serves only the subject properties and two undeveloped properties zoned Agricultural, which have been retained as open space as part of the La Vista and Garin Vista tracts. In addition the properties are in close proximity to Garin Regional Park and a new 30-acre public park being constructed as part of the La Vista Development. These elements create a desirable setting for families with children.

- H. The development agreement with the Garin Vista developers require that water, sanitary sewer, and storm drain utilities be extended to serve the subject properties. The public facilities would adequately serve future development of these parcels. The agreement also requires Garin Vista developers to improve Bodega Street, a private street, with new paving, curbs, and gutters. As part of the La Vista development, Bodega Street will be re-aligned to connect to Alquire Parkway and eliminate the access to Woodland Avenue. The City's Transportation Services Division has determined that the private street and the surrounding public street system would be adequate to serve future development.

Based on the proposed zoning, as many as 60 units could be constructed on the subject parcels which would generate approximately 550 new vehicle trips per day. The latest Transportation Services Division traffic count for Alquire Parkway was conducted in July of 2005 and reported a count of 4,200 vehicles per day. Alquire Parkway is capable of accommodating 10,000 trips per day.

- I. The RSB4 single-family residential zoning allowing parcels to be 4,000 square feet would be compatible with the surrounding land uses. The recently approved La Vista and Garin Vista developments have similar densities. The proposed density is also compatible with the existing single-family developments to the west and the apartment complex to the southwest.

With the recent approval of the La Vista and Garin Vista developments the subject properties comprise one of the last opportunities for infill development in that neighborhood. Although there are other large pieces of undeveloped land, these pieces are comprised of steep slopes and are open space established as part of the La Vista and Garin Vista tracts.



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 02/21/06

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change Application No. PL-2005-0322 PD – Request to Amend the Rezoning District Designation from Medium Density Residential (RMB4) and Agriculture (AB10A) to Planned Development (PD), to Allow for Construction of 126 Single-Family Homes, and to Approve the Associated Preliminary Development Plan

Vesting Tentative Map Tract Application No. PL-2005-0323 TTM 7354 - Request To Subdivide an Approximately 50-Acre Site to Create 126 Single-Family Lots and Related Streets, a Private Park and Open Space

Development Agreement Application No. PL-2005-0358 DA – Request for Approval of a Development Agreement in Association With the Proposed Development

Garin Vista, LLC, Jack Smith, President (Applicant), Howard M. Settle, Maxine F. Theobald, Andrew E. Garin, Richard S. & Annette P. Warren, John M. and Lia F. McKenzie (Owners)

The Project Site is Located Northeast of the Intersection of Woodland Avenue and Bodega Street, West of Garin Regional Park

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and the Vesting Tentative Tract Map and introduce the attached ordinances approving the Zone Change/Preliminary Development Plan and the Development Agreement, subject to the attached findings and conditions of approval.

DISCUSSION:

The 50.4-acre site, which is the site of a former quarry that ceased operation several decades ago, is proposed for development of 126 single-family residential lots and related streets, along with a new 1.9-acre private park and associated open space. A new public road and related extension of Alquire Parkway is proposed, which will serve the development. Two emergency access points are proposed along the southern boundary of the tract: one along the upper portion of the development and the other at the lower portion. Such points would provide access to/from Clearbrook Circle and Garin Avenue in the event of an emergency.

ATTACHMENT E

The site is in unincorporated Alameda County and is proposed to be annexed into Hayward. In July of 2003, the City Council approved the Mission-Garin Annexation Study and related amendments to the General Plan and Zoning Ordinance. Also, the City Council established a new special design district in the area, the Mission-Garin Area Special Design District (SD-5), which included design guidelines and maximum thresholds for development, including 169 units for the Garin Vista site. In anticipation of annexation into the City of Hayward, the properties in the study area were rezoned and an annexation application was filed with the Local Agency Formation Commission of Alameda County (LAFCO) in the fall of 2003. LAFCO will hold a hearing regarding the annexation on March 9, 2006.

If the proposed project is approved, a condition of approval would require that the site be annexed into Hayward prior to recordation of the final map and subsequent construction. Staff is also recommending that the approvals would only become effective upon the effective date of the annexation.

If the project is approved and annexation occurs, it is envisioned to be constructed at the general time the La Vista development to the north is built. The La Vista development was approved in July of last year, subject to its annexation into Hayward. Excess fill material of approximately 750,000 cubic yards is proposed to be exported from this property to the La Vista tract. Both projects are closely linked and, as discussed later in this report, have common interests in terms of development.

The proposed development is consistent with the General Plan designation of Limited Medium Density Residential (8.7 to 12.0 units per net acre). Since approximately 25% (31) of the lots proposed would not meet the minimum typical standard of 4,000 square feet for single-family lots in the RMB4 zoning district and because most of the lots would have only a 15-foot rear and front yard setback, where 20 feet is typically required, the applicant is proposing a Planned Development (PD) District.

The proposal would entail construction of 126 single-family homes on lots ranging in size from approximately 3,000 square feet to 7,745 square feet, with the lots to be located between the Hayward earthquake fault to the west and Garin Regional Park to the east. Staff is recommending that a condition of approval require that a separate lot be created between "B" Street and the Dareing property, to be similar in use to Parcel C, since such narrow area would be adjacent to development and would not be of the same character as the rest of Parcel D, which extends to the Garin Regional Park boundary.

The developer of this project will need to extend all utility services to the site. A new water reservoir and mains to supply sufficient water flows and pressure for domestic services and fire sprinkler systems are to be installed as part of the La Vista Quarry project. If the La Vista Quarry project is not constructed then the necessary water improvements would be constructed as part of this subdivision.

Sanitary sewer and water mains and stub-outs will be provided for the properties along Bodega Street. The owners of Bodega Street have indicated a desire to have their properties rezoned to medium density residential (see Exhibit D).

Both public and private storm drain systems will be constructed to facilitate the drainage from the hillside and proposed improvements. A detention pond will be constructed to meet Clean Water Program requirements and to regulate the flow of water off the site to not overwhelm existing downstream storm drainage facilities.



**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:* Request to amend the General Plan Designation from Limited Open Space to Limited Medium Density and to rezone the six parcels located at the north end of Bodega Street from to Agricultural B10A to RSB4 (minimum 4,000 square foot lot size). The properties are located at 29202-29606 Bodega Street.

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

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

III. *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.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.

7. The project site is located within a "State of California Earthquake Fault Zone", however, prior to any construction, fault investigations will be required and any construction shall comply with the recommendations of the associated report and will be required to comply with the California Building Code standards to minimize seismic risk due to ground shaking and vibration.
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 for any future developments.
10. The project is consistent with the policies of the City General Policies Plan, the Mission-Garin Neighborhood Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.
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.

IV. PERSON WHO PREPARED INITIAL STUDY:

Tim R. Koonze, Associate Planner

Dated: 2/21/08

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact Tim R. Koonze, Associate Planner, City of Hayward Planning Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4207

DISTRIBUTION/POSTING

- Provide copies to project applicants and all organizations and individuals requesting it in writing. Provide copy to Alameda County Clerks Office.
- 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.

APPENDIX G

Environmental Checklist Form

1. Project title: General Plan Amendment PL-2008-0013 and Zone Change PL-2007-0634
2. Lead agency name and address: : City of Hayward, 777 B Street, Hayward, CA 94541
3. Contact person and phone number: Tim R. Koonze, Associate Planner
4. Project location: 29202 – 29606 Bodega Street
5. Project sponsor's name and address: City of Hayward
6. General plan designation: Limited Open Space
7. Zoning: Agricultural B10A District (minimum 10 acres lot size)
8. Description of project

Request to amend the General Plan Land Use Designation from Open Space to Limited Medium Density and to rezone the six parcels located at the north end of Bodega Street from Agricultural B10A (minimum 10 acre lot size) to Single Family Residential RSB4 (minimum 4,000 square foot lot size).
9. Surrounding land uses and setting: Briefly describe the project's surroundings:

Properties are located in the foothills and are relatively flat with varying slopes beginning at the rear of the properties. The properties to the north and south are zoned Planned Development District, consisting of single-family homes with sites averaging from 4,425 to 4,680 square feet, along with open space on significant slopes directly east of the majority of the subject properties. These properties are currently being developed and previously served as quarries. The property to the west has a significant slope and contains the Hayward earthquake fault trace; it is currently vacant. A condominium complex is located further to the west.
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.



Signature

2.21.08

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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I. AESTHETICS -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The subject properties are located at the toe of the Hayward Foothills and will be surrounded by residential development. Any future development would be single-family residential and due to the limited visibility from portions of Hayward to the west because of the relatively low elevation of the properties in the foothills the project would not affect a scenic vista.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: There are no State scenic highways near the property.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See comment for Subsection I (a).

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Any future development would be single-family residential and would not create a significant source of light or glare in that lighting for future development would be required to provide lighting that would not impact views in the area. Also, the location of the properties are at a elevation low

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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enough in the foothills so as not to reflect afternoon sun so as to impact views.

II. AGRICULTURE RESOURCES: 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The subject properties are located within a developed area. Any future development would be considered urban infill.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Although the property has agricultural zoning, the subject properties are located within an urban area and are too small to allow for any significant agricultural use. No Williamson Act contracts exist on the subject properties.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The subject properties are located within a developed area. Any future development would be considered urban infill.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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III. AIR QUALITY -- 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 type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|

Comment: Any future development as a result of the proposed changes to the General Plan and zoning designations would not conflict with or obstruct implementation of the Bay Area Air Quality Management District's Clean Air Plan due to limited development potential.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Any future development would be limited in scope and would not rise to a level to substantially contribute to an air quality violation.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See Comments for subsections III (a) and (b).

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project, which could result in the development of a limited number of single-family homes (no more than 60), would not create any air pollutants. Additionally, there are no known sensitive receptors to pollutants near the subject properties.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: Any future development would not result in objectionable odors.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: An Environmental Impact Report (EIR) was certified in conjunction with the Mission-Garin Annexation Project in 2003. The EIR included the subject properties. The EIR did not find any endangered, threatened, or rare species on the subject properties. The EIR determined that there is a low probability that the developed properties would sustain any of the species' habitats. Also the subject properties are all developed with single-family homes reducing the potential that such habitats or species exist on these sites.

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"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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Comment: There is no riparian habitat within the subject properties.

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"/>
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Comment: There are no wetlands within the subject site.

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"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: An Environmental Impact Report (EIR) was certified in 2003 in conjunction with the Mission-Garin Annexation Project. The EIR concluded that there were no wildlife or migration corridors within the subject properties. The current development and grading activities surrounding the subject properties make it unlikely that there are any migration corridors through them.

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"/>
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Comment: The proposed zone change would not conflict with any local policy or ordinance protecting biological resources, since no trees are proposed to

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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be removed at this time with this project. Any future development proposals would be subject to review in accordance with the City's Tree Preservation Ordinance.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: There are no such plans applicable to the project sites.

V. CULTURAL RESOURCES -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) a) Cause a substantial adverse change in the significance of a historical resource as defined in 'California Environmental Quality Act Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: No significant historic resource has been identified within the subject parcels.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 'California Environmental Quality Act Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: No significant archaeological resource has been identified within the subject parcels.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: No significant paleontological resource has been identified within the subject parcels.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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"/>

Comment: There are no records of any human remains located on the subject sites. There are no improvements proposed as part of this project. If future construction reveals human remains the developer would be required to contact the local coroner and, if determined necessary, the Native American Heritage Commission.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The subject properties are located within the Hayward Earthquake Fault Zone as defined by the State of California. The properties are located approximately 100 feet from the active Hayward Earthquake Fault trace. Any future developers will be required to conduct fault investigations and prepare a geological reports prepared by registered professionals in order to locate any active fault traces on the project sites and identify any geological hazards, and conform to the recommendations of those reports.

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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Publication 42. <i>Comment: See VI (a) for comment.</i>				
ii) Strong seismic ground shaking? <i>Comment: See VI (a) for comment.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? <i>Comment: See VI (a) for comment.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? <i>Comment: Portions of the subject properties are within potential seismic landslide areas. Any future developers will be required to have geological reports, prepared by a registered professional, and conform to the recommendations of those reports. There are no known mudflow hazards in the area.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? <i>Comment: The proposal does not include any plans for construction. Any future developments will require development of erosion control plans, to be approved by the City of Hayward Public Works Department staff, which, when implemented, will ensure erosion will be minimal.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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? <i>Comment: See VI (a) for comment.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Comment: See VI (a) for comment.</i>				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Comment: Any proposed development would be connected to the municipal sanitary sewer system.</i>				

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"/>
<i>Comment: Any future development would be single-family residential and would not be associated with the routine transportation, use, or disposal of hazardous substances.</i>				
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"/>
<i>Comment: Any future development would be single-family residential and would not create a risk associated with accidental release of hazardous materials.</i>				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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one-quarter mile of an existing or proposed school?

Comment: Any future development would be single-family residential and would not involve such hazardous substances.

- 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"/>
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Comment: The subject properties are not included on such a list of hazardous material sites.

- 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"/>
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Comment: The subject properties are not located within two miles of a public airport.

- 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"/>
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Comment: The subject properties are not located within the vicinity of a private airstrip.

- 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"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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Comment: Any future development would be single-family residential. Any future development must be approved by the Hayward Fire Department to ensure adequate access.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Any future development would be single-family residential and would be required to conform to the City's Urban/Wildland Interface Guidelines, to be assured by the Hayward Fire Department.

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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The proposal does not include any plans for construction. Any future developments would be subject to developing and implementing a Storm Water Pollution Prevention Plan to be approved by the City of Hayward Public Works Department staff, which, when implemented, will ensure compliance to storm water discharge requirements.

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

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Comment: Any future development would be single family residential, which would not substantially impact groundwater supplies, due to limited impervious surfaces. These properties would be served by City water which can adequately serve the subject properties without affecting the groundwater quantity.

- 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"/>
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Comment: Any future development would not substantially alter the existing drainage pattern since drainage plans would be developed to carry run-off to Bodega Street and towards the West as currently exist, nor would it alter the course of a stream or river since such streams exist off the sites, nor result in substantial erosion or siltation, because drainage plans would be developed and approved by City staff that would be of a design that would minimize erosion or siltation.

- 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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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off-site?

Comment: Although the proposal does not include any plans for construction, the proposed changes to the General Plan and zoning designations would allow for a higher density that would not result in any significant increase in the amount of run-off. Any future development would be required to design an adequate drainage system to ensure no flooding would occur.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Although the proposal does not include any plans for construction, the proposed changes to the General Plan and zoning designations would allow for a higher density that would not result in any significant increase in the amount of run-off. Any future development would be required to design an adequate drainage system. Any future development would consist of single-family residential homes that would not be a substantial additional source of polluted runoff.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Future development would not result in a significant change in groundwater quality because any future development would consist of single-family residential homes that would not contribute toward the substantial degradation of the water supply.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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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"/>
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Comment: The subject properties are not located within a flood hazard area.

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"/>
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Comment: The subject properties are not located within a flood hazard area.

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"/>
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Comment: The subject properties are not located within a flood hazard area nor are they in the path of flood waters caused by failure of a levee or dam.

j) Inundation by seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The subject properties are not located near interior water masses, oceans or known volcanic hazardous zones.

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"/>
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Comment: The development of the subject properties would not result in dividing an established community.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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"/>

Comment: The proposal conforms to the Mission-Garin Neighborhood Plan which designates this area to be Limited Medium Density (8-12 units an acre). The proposed General Plan amendment and zone change would be consistent with that indicated in the Plan.

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"/>
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Comment: The subject properties are not a part of a habitat plan or community conservation plan.

X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: An Environmental Impact Report (EIR) was certified in 2003 in conjunction with the Mission-Garin Annexation Project. The EIR indicated no known mineral resources exist within the subject properties.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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general plan, specific plan or other land use plan?

Comment: There are no mineral resource recovery sites on the subject properties.

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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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. Grading and construction will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. No work will be done on weekends or national holidays.

- 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"/>
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Comment: There are no known generators of excessive groundbourne vibrations or groundbourne noise levels that could affect the subject properties.

- 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"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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Comment: The single-family development of the subject properties would not result in a substantial increase in ambient noise levels that would exist without development.

- 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"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

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. Grading and construction will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. No work will be done on weekends or national holidays.

- 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"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The subject properties are not located within an airport land use plan or within two miles of a public airport.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The subject properties are not located within the vicinity of a private airstrip.

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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Comment: The proposal conforms to the Mission-Garin Neighborhood Plan which designates this area to be Limited Medium Density (8-12 units an acre). The proposed General Plan amendment and zone change would be consistent with that indicated in the Plan.

- 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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Comment: There will be no displacement of housing. The proposal does not include any plans for construction. The existing dwellings can remain as legal dwellings.

- 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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Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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Comment: There will be no displacement of people. The proposal does not include any plans for construction. The existing dwellings can remain as legal dwellings.

XIII. PUBLIC SERVICES

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

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

Comment: The project would not require construction of new or expanded facilities.

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"/>
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Comment: There are adequate park facilities in the area to adequately serve proposed developments. A 30 acre park

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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is planned within 1/2 mile of the sites to the south, associated with the adjacent La Vista development. Also, future development would be required to pay in-lieu park fees.

- 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"/>
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Comment: There are adequate park facilities in the area to adequately serve proposed developments and no new park facilities would be required as a result of this project.

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"/>
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Comment: Any future development would be required to improve Bodega Street to a minimum 24-foot wide paved roadway. The City's Transportation Planning Division determined that if the properties were developed to their full potential, (60 units) they would generate approximately 60 peak hour trips and 600 daily trips which is well below the capacity of a 24-foot-wide street. The connecting street system could adequately handle the traffic generated from future development of the properties.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? <i>Comment: Development of the subject properties would not exceed the level of service standards.</i>	<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? <i>Comment: The subject properties are not located within the vicinity of an airport or a private airstrip.</i>	<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)? <i>Comment: There would be no significant safety issues as the surrounding properties are developed with compatible residential development and Bodega Street improvements would meet public street design standards.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? <i>Comment: Adequate emergency access would be provided as Bodega Street improvements would meet public street design and safety standards.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? <i>Comment: The properties currently provide adequate parking for the existing</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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residences on these sites. Any future development would be required to meet the City's Off-Street Parking Regulations.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Any future development would have to conform to adopted alternative transportation policies.

XVI. UTILITIES AND SERVICE SYSTEMS B 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Future development would not exceed wastewater treatment requirements of the Regional Water Quality Control Board.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The improvements for the adjacent Garin Vista and La Vista Developments, Tracts 7354 and 7620, include conditions requiring the extension of a public sanitary sewer main for the purpose of providing sanitary sewer service to those developments. Future development of these subject parcels would connect to such mains. The City of Hayward sanitary sewer system has adequate capacity to serve proposed developments.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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? <i>Comment: The improvements approved for the La Vista Development, Tract 7620, include the construction of a storm water system that will adequately serve the subject parcels. The public storm drain system has adequate capacity to serve proposed developments.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i>Comment: The Improvements approved for the La Vista Development, Tract 7620, include the construction of a public water system that will adequately serve the subject parcels. The City of Hayward's public water system would be adequate to serve future development of the subject parcels.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? <i>Comment: The City of Hayward sanitary sewer system has adequate capacity to serve future developments.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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Comment: The Waste Management Company is the solid waste provider for this area and can adequately serve the proposed developments.

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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Comment: Any future development would be in compliance with federal, state, and local statutes and regulations related to solid waste.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

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

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

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

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

HAYWARD CITY COUNCIL

RESOLUTION NO. 08-

Introduced by Council Member _____

me
5/5/08

**RESOLUTION ADOPTING THE NEGATIVE
DECLARATION AND APPROVING RELATED
GENERAL PLAN AMENDMENT PL 2008-0013 AND
ZONE CHANGE APPLICATION PL 2007-0634**

WHEREAS, the City of Hayward (Applicant) has submitted General Plan Amendment Application No. PL 2008-0013 and Zone Change Application No. PL 2007-0634, which concern a request to amend the General Plan Land Use designation from Limited Open Space to Limited Medium Density Residential and rezone six properties located at 29200, 29338, 29370, 29402 and 29606 Bodega Street from Agricultural (AB10A) District to Single-Family Residential (RSB4) District (the "Project"); and

WHEREAS, the Planning Commission conducted a public hearing on the Project on March 27, 2008, and there was a motion and a second to support the Project, but the motion failed by a 3-2 vote, with 2 commissioners absent; therefore, the Project has been forwarded to City Council without a Planning Commission recommendation; and

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

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

CEQA

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

GENERAL PLAN AMENDMENT

2. The proposed General Plan Amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Limited Medium Density Residential land use designation will allow additional needed ownership housing units. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.

3. The proposed General Plan Amendment is in conformance with the City's General Plan policies and the policies and strategies within the Mission-Garin Neighborhood Plan and will result in development that will be compatible with surrounding land uses and zoning. The amendments to the General Plan and Zoning Ordinance approved as part of the Mission-Garin Annexation designated the Bodega Street properties as Limited Open Space, which has a five acre minimum lot size. The subject lots average approximately one acre in size. Upon the request of the Bodega Street property owners, the City Council agreed to examine the subject properties to establish a higher density for said properties and authorized the Bodega Street rezoning as an adopted budget objective for the 2007-08 fiscal year. The Housing Policies and Strategies of the City's Housing Element of the General Plan include the following policies: (1) Encourage the provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the City; and (2) Promote development of infill housing units within existing residential neighborhoods in a variety of housing types. The Project will satisfy these strategies, in that the RSB4 zoning will provide the opportunity to increase the supply of more affordable housing in Hayward. The Project will also help to increase the variety of housing types within the Mission-Garin neighborhood, which is developed with primarily single-family dwellings on standard or larger parcels.
4. The streets and public facilities, existing or proposed, would adequately serve future development of these parcels. Based on the proposed zoning, as many as 60 units could be constructed on the subject parcels, which would generate approximately 550 new vehicle trips per day. The latest Transportation Services Division traffic count for Alquire Parkway was conducted in July 2005 and reported a count of 4,200 vehicle per day. Alquire Parkway is capable of accommodating 10,000 trips per day.
5. The proposed General Plan Amendment will result in development that will be compatible with surrounding residential land uses and zoning, in that the amendment would allow a density consistent with that of the surrounding neighborhood.

ZONE CHANGE APPLICATION

6. Rezoning the property to RSB4 allows for the creation of smaller lots, which has the potential to provide ownership housing that would be more affordable for young families with children. The proposal would provide needed housing that will promote the public health, safety, convenience,

and general welfare of the residents of Hayward. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.

7. With the change from agricultural zoning to residential zoning, the Project meets the purpose of the Single-Family Residential District, which encourages creating an environment suitable for family life where children are members. With the change in the General Plan land use designation, the proposed zoning will be in conformance with the land use element of the General Plan in that the Limited Medium Density (LMD) land use designation encourages residential development at a slightly higher density than the standard Single-Family Residential (RS) zoning district allows. In addition, Bodega Street would have a minimal amount of increased traffic since it serves only the subject properties and some undeveloped properties that have been retained as open space as part of the La Vista and Garin Vista tracts. The Bodega Street properties are in close proximity to Garin Regional Park and a new 30-acre public park being constructed as part of the La Vista Development. These elements create a desirable setting for families with children.
8. The development agreement with the Garin Vista developers requires that water, sanitary sewer, and storm drain utilities be extended to serve the subject properties. The public facilities would adequately serve future development of these parcels. The agreement also requires the Garin Vista developers to improve Bodega Street, with new paving, curbs, and gutter. As part of the La Vista development, Bodega Street will be realigned to connect to Alquire Parkway and eliminate the access to Woodland Avenue. The City's Transportation Services Division has determined that the private street and the surrounding public street system would be adequate to serve future development. As many as 60 units could be constructed on the subject parcels, which would generate approximately 550 new vehicle trips per day. The latest Transportation Services Division traffic count for Alquire Parkway was conducted in July 2005 and reported a count of 4,200 vehicles per day. Alquire Parkway is capable of accommodating 10,000 trips per day.
9. The RSB4 single-family residential zoning, allowing parcels to be 4,000 square feet, would be compatible with the surrounding land uses. The recently approved La Vista and Garin Vista developments have similar densities. The proposed density is also compatible with the existing single-family developments to the west and the apartment complex to the southwest. With the recent approval of the La Vista and Garin Vista developments, the subject properties comprise one of the last opportunities for infill development in that neighborhood. Although there are other large pieces of undeveloped land, these parcels are comprised of steep slopes and

mm
5/5/08

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1
OF THE HAYWARD MUNICIPAL CODE BY REZONING
CERTAIN TERRITORY IN CONNECTION WITH ZONE
CHANGE APPLICATION NO. PL-2007-0634 RELATING TO
THE PROPERTIES LOCATED AT 29200, 29338, 29370,
29402 and 29606 BODEGA STREET

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

Section 1. Rezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to rezone the properties located at 29200, 29338, 29370, 29402 and 29606 Bodega Street from Agricultural (AB10A) to Single-Family Residential (RSB4) District.

Section 2. 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 excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

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 _____, 2008, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 2008, 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