



CITY OF  
**HAYWARD**  
HEART OF THE BAY

7

**DATE:** November 25, 2008

**TO:** Mayor and City Council

**FROM:** Director of Development Services Department

**SUBJECT:** General Plan Amendment No. PL-2008-0345 and Zone Change Application No. PL-2008-0346 - Residual Burbank School Site - Hayward Redevelopment Agency (Applicant/Owner) - Request to: a) Amend the General Plan Land Use Designation; b) Change the Zoning District; and c) Amend the Hayward Cannery Area Design Plan to Facilitate the Development of Medium Density Residential Uses - The Project Location is the Western Half of the Block Bounded by B Street on the North, Myrtle Street on the East, C Street on the South, and the Filbert Street Extension on the West

**RECOMMENDATION**

That Council adopts the attached resolution adopting the attached Negative Declaration and amendments to the Hayward Cannery Area Design Plan and General Plan, and introduces the attached ordinance approving the Zone Change.

**SUMMARY**

The 3.89-acre "Residual Burbank School" site accommodated the former Burbank School and is adjacent to the new Burbank School and Cannery Park. To facilitate the development of a multi-unit residential home project, staff recommends a General Plan amendment from Public and Quasi-Public to Medium-Density Residential (8.8-17.4 dwelling units/net acre), and a change of zoning from Public Facilities to Medium Density Residential on the western 1.95 acre portion of the (Exhibit B). In addition, staff recommends several amendments to the Hayward Cannery Area Design Plan, including a change to the Design Concept (Attachment D of Exhibit C) and Land Use Maps of the Plan. Such changes would allow consistent land use designations on the entire block, which would better facilitate residential development.

The amendments would allow for the potential development of 34 to 66 dwelling units on the entire block by Citation Homes Central, which is currently developing the Cannery area residential units. In addition, the Redevelopment Agency will sell the 3.89 acre site to Citation. The sale of the property would help off-set the Hayward Unified School District's financial obligation to the Redevelopment Agency for its contribution to the construction costs of the new Burbank School.

To meet the vision and intent of the Design Plan to provide a community center facility for the Cannery Area neighborhoods, the Hayward Area Recreation District (HARD) and Hayward Unified

School District (HUSD) entered into an agreement to provide recreational and meeting facilities at the new Burbank School (Exhibit F). The Redevelopment Agency and HARD staff supports the residential development on the old Burbank School property. Because of this arrangement, staff supports the proposal, which would facilitate in new housing in close proximity to the Hayward BART station and commercial services, consistent with City and regional policies to promote transit-oriented development.

## **BACKGROUND**

In 2001, the City Council adopted the “Cannery Area Design Plan” (Design Plan), amended the City’s General Plan, and rezoned older industrial properties under the 120-acre Design Plan area, and adopted the Cannery Area Special Design Overlay District (SD-4).

The Design Plan and resulting General Plan and zoning designations originally envisioned a new community center on a portion of the site that contained the old Burbank Elementary School multi-purpose room. It was the intent of staff to convert the multi-purpose room which contained a lunch area and stage, into a community center. However, because of the condition, age and limited size of that structure, Redevelopment Agency staff determined that the multi-purpose room would be inadequate, and that the facilities at the new Burbank Elementary School would better serve the community’s needs. With this in mind, the Redevelopment Agency committed additional funding to assure that the school facilities would in fact meet the community center, recreational, and meeting place needs of the surrounding neighborhood. The Design Plan is proposed to be amended to reflect this change.

In August 2005, to assure that the facilities at the new Burbank Elementary School would be available for community use, Hayward Area Recreation and Park District (HARD), and the Hayward Unified School District (HUSD) amended the “Master Facilities Use Agreement” to assure that the facilities at the new Burbank Elementary School would be available to be used for HARD activities, when not in use for school or school-related activities. Therefore, the Design Plan vision of a community center would be met through HARD programs and activities at the new school and expanded Cannery Park. In addition, meeting rooms would be made available for community use.

On July 10, 2006, HUSD, HARD, and the City and the Redevelopment Agency entered into the “Public Facilities Development and Property Exchange Agreement” (the PFDA), which specified the land exchange and financial agreements for the Cannery Area public improvements. In accordance with the provisions of the PFDA, the Agency transferred the new Burbank School to HUSD in August 2008, and concurrently, HUSD transferred the undeveloped 3.89 acre portion of the former Burbank School to the Redevelopment Agency to facilitate the sale and redevelopment of the site. The area that was transferred to the Redevelopment Agency is referred to as the “Residual Burbank School Site.”

In anticipation of the transfer of the site, a Request for Proposal (RFP) to secure a developer for the residential development for the entire 3.98 acre site was issued by the Agency in May 2007. On October 16, 2007, staff returned to the City Council/Redevelopment Agency Board and was directed to prepare an Exclusive Negotiations Agreement (ENA) with Citation Homes Central to

develop the entire Residual Burbank School Site. The developer will work through the entitlement process over the next year, and is prepared to acquire the site from the Agency following the approval of the proposed General Plan Amendment and Zone Change.

On October 2, 2008, the Planning Commission voted (5:2:0) to recommend denial of the proposal. The main concern expressed was that the Cannery Design Plan is not being implemented as envisioned by the community, Planning Commission, and the City Council. The removal of the community center component at this site, along with the removal of the potential for a neighborhood-serving retail component in 2005 on the southwest corner of the intersection of Burbank Street and Martin Luther King Drive adjacent to Cannery Park, raised some Commissioner's concerns regarding the cumulative effects on the development and viability of the Cannery neighborhood. In addition, concerns were expressed that the facilities available at Burbank Elementary School would not adequately meet the needs of, nor create a sense of belonging for, the Cannery area community. Furthermore, some Commissioners felt that residential development on this site would be too far from public transit, services, and shopping. The Planning Commission suggested that the site would better serve the community if developed with neighborhood serving commercial instead of medium density residential (Exhibit D).

The City Council is aware that the commercial component has been modified in the Cannery Design Plan. In December 2005, the City Council approved the removal of a note on the Cannery Area Design Land Use Plan that welcomed a "Potential Site for Neighborhood Retail" at the corner of Burbank Street and Martin Luther King Drive. The note was removed to allow for the development by Citation Homes. The second neighborhood retail area noted on the Cannery Area Design Land Use Plan has been relocated to Myrtle Street from the interior of the residential development, to better service both existing and new Cannery Area residents, and the larger community.

## **DISCUSSION**

### Proposed Amendments

The request is for an amendment to the General Plan land use designation and a change to the zoning for the western half of the Residual Burbank School site to accommodate medium-density residential uses, which would match the designations of the eastern half of the site. The development of the site with a medium-density residential project would be consistent with the surrounding properties to the north, east, and south that are also within the Medium Density Residential General Plan Designation and Medium Density Residential zoning district. The zone change does not include the removal of the Cannery Area Special Design Overlay District (SD-4). The purpose of this overlay district is to implement policies of the Cannery Area Design Plan that envisions conversion of former industrial sites to be developed with commercial, residential, and mixed uses. The implementation of the plan includes specific block patterns, street layout, development densities, and location of land uses.

In addition, the request includes the amendment of the Design Concept map of the Cannery Area Design Plan to reflect *New Development Parcels* on the western portion of the Residual Burbank School site. The Plan's Land Use map would be amended to reflect the eastern half of the block, changing *School/Community Center* to *Residential 20-25 Dwelling Units per Acre*. The Cannery

Park/Burbank School design concept would depict the western portion of the Burbank Residual School site to be used for residential purposes and state that community center facilities would be provided at the Burbank School.

### Alternatives Considered

Old Burbank School Multi-Purpose Room vs. New Facilities: The Planning Commission questioned why the existing facilities at the Old Burbank School were not maintained as a Community Center. In addition, several of the Planning Commission members felt that a Community Center would be important for a sense of community belonging.

Redevelopment Agency and HARD staff explored the possibility of converting the multi-purpose room building into a community center. However, because of the condition, age, and size of the building, staff determined that the facility would be inadequate and that the facilities at the new Burbank Elementary School would better serve the needs of the community and HARD (Exhibit F). The multi-purpose room was used as a lunch room and small gymnasium and contained a stage. The new gymnasium is much larger than the multi-purpose room at the old Burbank School. The new facilities contain a full-size regulation basketball court in addition to a multi-purpose community room.

To assure that the community would be well served by the facilities at the new Burbank School and the expanded Cannery Park, the Redevelopment Agency funded the installation of facilities that would meet the needs of the community and the school. "The Masters Facilities Use Agreement" between HARD and HUSD not only governs the use of Burbank School, but 21 other schools and 3 other parks located within Hayward. The agreement assures that the communities surrounding the schools have fair use of the facilities. In the case of Burbank School, the facilities were designed with the community in mind since funding for a separate community center was not available.

The Cannery Area community and the residents of Hayward will learn about the classes and facilities available at the Burbank School by reviewing the Winter edition of the quarterly HARD "Recreation Guide and Facility Directory." According to the Park Superintendent, community members can also submit suggestions for classes they want scheduled at local community facilities.

Commercial Use vs. Residential Use of Site: The Planning Commission suggested that the 1.98 site would better serve the community if the land use were changed to retail. The Commission expressed the opinion that enough residential units will be built in the Cannery Area and the potential for additional homes is not necessary; and that homes on this block would be too far for pedestrians from BART and Downtown services to be considered transit-oriented development.

It is true that the Lucky Shopping Center is located outside of a ¼ mile distance from the 3.89 acre Residual Burbank School Site. However, there are 5 markets and convenience stores, a laundry, a clothing store, and numerous restaurants and services located on A Street within ¼ mile of the site (Exhibit E). In addition, the Hayward BART Station, AC Transit and Greyhound are two blocks from the site. Furthermore, the Amtrak Station is located within ¼ mile of the site (Exhibit E).

## Environmental Review

In 2001, the City of Hayward certified the Program Environmental Impact Report (EIR) for the Hayward Cannery Area General Plan Amendment, and Cannery Area Design Plan. For this project, an Initial Study and Negative Declaration have been prepared, pursuant to the California Environmental Quality Act (CEQA) guidelines, which tiers off the EIR, and concludes no significant environmental impacts would occur (Attachment E of Exhibit C). No significant environmental impacts are expected to result from the project. The change of this property from Public Facilities District to Medium-Density Residential District would not place a substantial burden on the surrounding neighborhood, City services, traffic or schools, due to the limited development potential of this infill site.

## **FISCAL AND ECONOMIC IMPACT**

The Redevelopment Agency and HUSD executed a Public Facilities Development and Property Exchange Agreement. HUSD transferred the Residual Burbank School site to the Agency in August upon completion of the new Burbank School.

A Request for Proposal (RFP) to secure a developer for the residential development for the entire 3.98 acre site was issued by the Redevelopment Agency in May 2007. Five proposals were received. The proposals submitted by Citation Homes Central and The Olson Company ranked the highest overall and far exceeded the others in terms of the offered purchase price for the land. Citation offered to pay \$6.2 million for the land and Olson offered \$5.7 million which is \$500,000 less. Citation is requiring that the Agency undertake the required environmental remediation on the Site, which is estimated to cost \$200,000, and Olson had included this in their proposal; hence, the actual differential for the purchase price for the land is \$300,000.

In July 2008, the Agency and Citation Homes Central entered into an Exclusive Negotiating Agreement that secures the purchase of the 3.89-acre site by Citation Homes to be developed with 60 units. The proceeds from the sale of the property will defray some of the costs of constructing the new Burbank School, which cost approximately \$30 million to build. A portion of the purchase price, estimated at \$200,000, will be used to undertake environmental remediation on the site.

Service and infrastructure costs will result from the development. A condition for approval to develop the site will be that Citation Homes Central will cooperate with the City in the formation of a Community Facilities District (CFD), or Mello-Roos District that would encompass both the proposed residential development on the Burbank Residual School site such a condition is also being placed on the nearby Cannery Place. The purpose of the CFD would be to provide for additional City public safety personnel to offset the impacts to these services created by new housing. Staff is currently working with the City's Financial Advisor on the formation of such a district.

After the entire 3.89-acre site is developed and sold, the City of Hayward and the Agency will also benefit from the property taxes, real property transfer tax, sales tax, and fees associated with residential properties. Furthermore, the City of Hayward will benefit from infrastructure improvements. A more detailed fiscal analysis will be provided in the future in association with the specific development proposal for the entire block.

## **PUBLIC CONTACT**

On July 17, 2008, a referral was mailed to all of the property owners and occupants within 300 feet of the project site. Staff received two phone calls and one letter from residents in the neighborhood. They are concerned with traffic impacts and suggest that only one-story single-family homes be built on the site.

On September 2, 2008, a notice of the preparation and review of the Negative Declaration, and Planning Commission public hearing, was published in *The Daily Review*, and mailed to property owners and occupants, within the adjacent neighborhoods. To date, no comments have been received due to such notice.

On October 2, 2008, the Planning Commission held a public hearing. No public comments were received.

On November 14, 2008, a notice of the City Council public hearing was mailed to property owners and occupants, within the adjacent neighborhoods. To date, no comments have been received due to such notice.

## **SCHEDULE/NEXT STEPS**

Following the effective date of the ordinance, assuming it is adopted, the Redevelopment Agency intends to sell the 3.89 acre Residual Burbank School site to Citation Homes. Citation Homes has submitted applications for a Planned Development District, Site Plan Review, and a Tentative Tract Map, for the development of 60 detached single-family homes on small lots.

Prepared by:



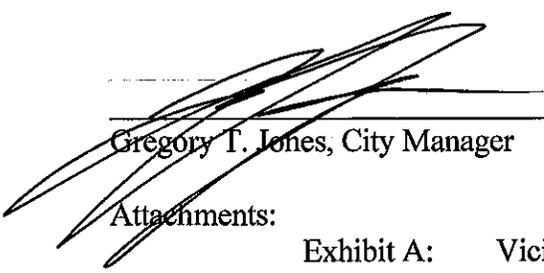
Arlynne J. Camire, AICP  
Associate Planner

Recommended by:



David Rizk, AICP  
Director of Development Services Department

Approved by:



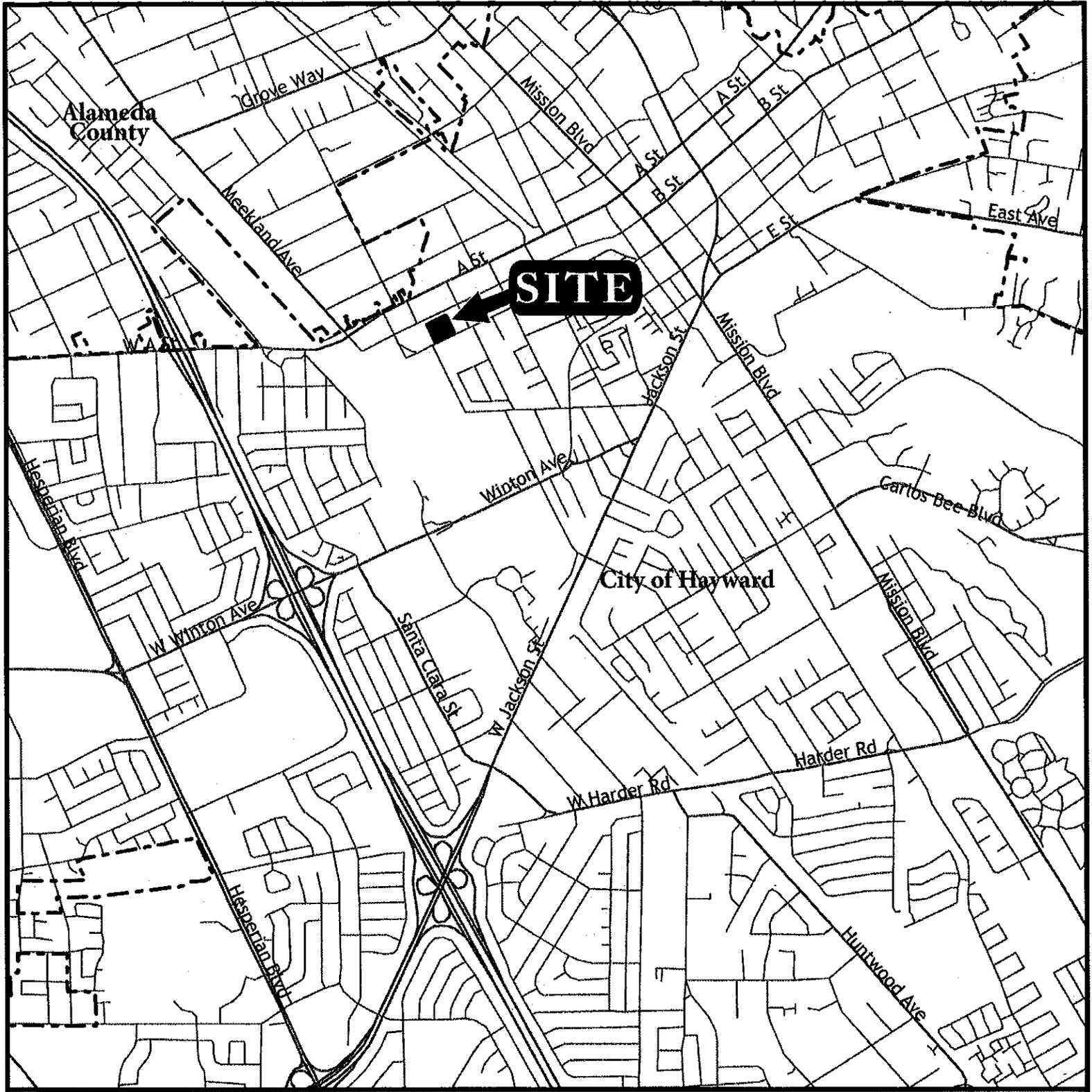
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Gregory T. Jones, City Manager

Attachments:

- Exhibit A: Vicinity Map
- Exhibit B: Existing and Proposed General Plan Designation, and Zoning District Map
- Exhibit C: Planning Commission Staff Report, dated October 2, 2008, with Negative Declaration attached
- Exhibit D: Planning Commission Meeting Minutes, dated October 2, 2008
- Exhibit E: Quarter Mile Radius Map and Services Locations
- Exhibit F: Letter of Support from Hayward Area Recreation and Park District, dated October 20, 2008

Draft Resolution  
Draft Ordinance



### Vicinity Map

PL-2008-0345/0346 GPA/ZC

Burbank School Residual Property at 353 B Street







**DATE:** October 2, 2008

**TO:** Planning Commission

**FROM:** Arlyne J. Camire, AICP, Associate Planner

**SUBJECT:** **General Plan Amendment Application No. PL-2008-0345 and Zone Change Application No. PL-2008-0346 - Residual Burbank School Site - Hayward Redevelopment Agency (Applicant/Owner) - Request to a) Amend the General Plan Land Use Designation to Medium Density Residential; b) Change the Zoning District to Medium Density Residential; and c) Amend the Hayward Cannery Area Design Plan to Facilitate the Development of Medium Density Residential Uses**

The Project Location is the Western Half of the Block Bounded by B Street on the North, Myrtle Street on the East, C Street on the South, and Filbert Street on the West in the Public Facilities Zoning District

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommends approval to the City Council of the proposed project, including the adoption of the attached Negative Declaration, and approval of the general plan amendment, zone change, and amendments to the Hayward Cannery Area Design Plan, subject to the attached findings for approval.

## **SUMMARY**

To facilitate the development of a multi-unit residential project, staff recommends a General Plan Amendment from Public and Quasi-Public to Medium-Density Residential (8.8-17.4 dwelling units/net acre), and a change of zoning district from Public Facilities to Medium Density Residential on the western 1.95 acre portion of the former 3.89-acre Burbank School known as the 'Residual Burbank School Site (Attachment B). In addition, staff recommends several amendments to the Hayward Cannery Area Design Plan, including a change to the Design Concept (Attachment D) and Land Use Maps.

The Residual Burbank School site is one block in area adjacent to the new Burbank School and Cannery Park. The current general plan designation and zoning district for the 1.95-acre western half of the block were adopted by the City Council in anticipation of a community center as designated in the Hayward Cannery Area Design Plan (see Design Concept, Attachment D). The current proposal would amend the Design Plan to allow for medium density housing on the entire block. The amendments would allow for the potential of 34 to 66 dwelling units on the entire block. In addition, the Redevelopment Agency would sell the entire 3.89 acre site to Citation to develop

with 60 single-family town homes. The sale of the property would help off-set the Agency's contribution to the construction costs of the new Burbank School.

In order to meet the vision and intent of the Design Plan to provide community center facilities, the Hayward Area Recreation District (HARD) and Hayward Unified School District (HUSD) entered into an agreement to provide recreational and meeting facilities at the new school. Therefore, staff supports the proposal, which would result in new housing in close proximity to the Hayward BART station, consistent with City and regional policies to promote transit oriented development.

## **BACKGROUND**

### **Proposed Amendments-**

The Redevelopment Agency requests an amendment to the General Plan land use designation and a change to the zoning district for the western half of the Residual Burbank School site, to accommodate medium-density residential uses, which would match the designations of the eastern half of the site. The development of the site with a medium-density residential project would be consistent with the surrounding properties to the north, east and south that are also within the Medium Density Residential General Plan Designation and Medium Density Residential zoning district and would allow for the potential of 34 to 66 dwelling units. The zone change does not include the removal of the Cannery Area Special Design Overlay District (SD-4). The purpose of this overlay district is to implement policies of the Cannery Area Design Plan that envisions conversion of former industrial sites to be developed with commercial, residential and mixed uses. The implementation of the plan includes specific block patterns, street layout, development densities, and location of land uses.

In addition, the Agency requests to amend the Hayward Cannery Area Design Plan, to allow the western half of the Residual Burbank School site to reflect the residential land use of the eastern half of the block. This requires the amendment of the Design Concept map to reflect *New Development Parcels* on the western portion of the Residual Burbank School site. The Land Use map would be amended to reflect the eastern half of the block, changing *School/Community Center* to *Residential 20-25 Dwelling Units per Acre*. The Cannery Park/Burbank School design concept would depict the western portion of the Burbank Residual School site to be used for residential purposes and state that Community Center facilities would be provided at the Burbank School. This and the other relevant amendments would designate an additional 1.95 acres to be developed with residential units while meeting the vision of the plan to provide the community center with meeting rooms and athletic facilities at the new Burbank School. The overall increase of a potential 17 to 33 residential units would not exceed the number of units projected to be built in the Cannery Area, since approved revisions to two tracts within the Cannery Area would result in 52 fewer homes than anticipated.

### **Previous Review-**

In 2001, the City Council adopted the "Cannery Area Design Plan" (Design Plan), amended the City's General Plan, and rezoned older industrial properties under the 120-acre Design Plan area and adopted the Cannery Area Special Design Overlay District (SD-4).

The Design Plan, as adopted, and the resulting General Plan and Zoning designations, originally envisioned a new community center on a portion of the site containing the Burbank Elementary School gymnasium. Staff explored the possibility of converting the gymnasium into a community center. However, because of the condition and age of the building, Redevelopment Agency staff determined that the gymnasium would be inadequate, and that the facilities at the new Burbank Elementary School would better serve the community's needs. Therefore, the Design Plan is proposed to be amended to reflect this change.

Through a 2005 "Master Facilities Use Agreement" between the Hayward Area Recreation and Park District (HARD) and the Hayward Unified School District (HUSD), the facilities at the new Burbank Elementary School would be available to be used for HARD activities when not in use for school or school-related activities. Both HARD and HUSD support the proposal and have entered into an agreement that allows recreation use of the school gymnasium by HARD. Therefore, the Design Plan vision of a community center would be met through HARD programs and activities at the new school and expanded Cannery Park. In addition, meeting rooms would be made available for community use.

On July 10, 2006, the Hayward Unified School District (HUSD), the Hayward Area Recreation and Park District, the City and the Redevelopment Agency (the Agency) entered into the "Public Facilities Development and Property Exchange Agreement" (the PFDA), which specified the land exchange and financial agreements for the Cannery Area public improvements.

In anticipation of the transfer of the site, a Request for Proposal (RFP) to secure a developer for the residential development for the entire 3.98 acre site was issued by the Agency in May 2007. On October 16, 2007, staff returned to the City Council/Redevelopment Agency Board and was directed to prepare an Exclusive Negotiations Agreement (ENA) with Citation Homes to develop the entire Residual Burbank School Site. The developer will work through the entitlement process over the next year, and is prepared to acquire the site from the Agency following the adoption of the General Plan Amendment and Zone Change.

In accordance with the provisions of the PFDA, the Agency transferred the new Burbank School to HUSD in August 2008, and concurrently, HUSD transferred the undeveloped 3.89 acre portion of the former Burbank School to the Agency to facilitate the sale and redevelopment of the site. The area that was transferred to the Agency is referred to as the "Residual Burbank School Site."

### **Project Description and Setting-**

At present, the western half of the Residual Burbank School Site is zoned and designated Public Facilities in the City's General Plan, due to its previously anticipated use for community recreation activities, while the other half of the site is zoned Medium-Density Residential and designated under the General Plan as Medium Density Residential (8.8 to 17.4 units per acres). Therefore, approval of a General Plan Amendment and Zone Change is necessary to allow redevelopment of the entire 3.89 acre site with a residential development with the potential of 34 to 66 dwelling units.

The project site is situated in a neighborhood that contains a church, small-lot single-family and duplex residences located across B Street to the north, and duplexes and a single-family home across Myrtle Street to the east. Single-family homes and duplexes are located across C Street to the south. The adjacent properties have the potential to be developed with higher densities than are currently developed. Filbert Street, and the new Burbank Elementary School and expanded Cannery Park are to the west.

## **DISCUSSION AND STAFF ANALYSIS**

Staff supports the proposed project due to the ability to make all required findings, as detailed in the following paragraphs. The project supports transit-oriented in-fill development and home ownership opportunities. The project and resulting development will meet the intent of the Hayward Cannery Design Plan.

The project will facilitate the development of dwelling units that would take advantage of compact building design, create a range of housing opportunities to suit differing needs and income levels, and choices, to reduce dependence on automobiles, create walkable neighborhoods, and provide a variety of transportation choices.

### **Findings for 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.**

The proposed General Plan Amendment to the Medium-Density Residential land use designation will facilitate the construction of housing units within walking distance to public transportation, Downtown retail and the new Burbank Elementary School. In addition, recreation and community center facilities are located at the school and Cannery Park. This will promote a decreased reliance on automobiles and will promote walking to nearby conveniences. As a result, green house gas emissions should decrease creating a healthier environment.

- b. **The proposed change is in conformance with the purposes of the General Plan and all applicable, officially adopted policies and plans.**

The proposed General Plan Amendment to Medium-Density Residential land use designation is in conformance with the following General Plan policies.

#### **Land Use Chapter**

Policy 2: Transit-Oriented Development-Support higher-intensity and well designed quality development in areas within ½ mile of transit stations and ¼ mile of major bus routes in order to encourage non-automotive modes of travel.

The amendment facilitates the development of a transit orientated in-fill, higher density project located within walking distance of Hayward Bay Area Rapid Transit, Alameda-Contra Costa Transit, Greyhound and Amtrak thereby

fulfilling policies of supporting in-fill and higher density development near a transit center.

Housing Chapter

Policy 1: Expand The Housing Supply-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.

The Medium Density Residential Land Use designation encourages provision of an adequate supply of housing units in a variety of housing types to accommodate the diverse needs of Hayward residents. The amendment encourages an a transit orientated in-fill, higher density project located within walking distance of Hayward Bay Area Rapid Transit, Alameda-Contra Costa Transit, Greyhound and Amtrak thereby fulfilling policies of in-fill development and higher density development near a transit center.

Policy 4: Develop Affordable Housing-Ensure that the City's housing stock contains an adequate number of decent and affordable units for households of all income levels.

The General Plan Amendment would make a higher density project possible. In accordance with the Inclusionary Housing Ordinance, affordable housing would be provided meeting a goal of creating housing units that accommodate varied household sizes and income levels. In this case, Redevelopment Agency resources have been used to generate affordable housing within a Redevelopment Project area.

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

Streets and public facilities, existing or proposed are adequate to serve all uses permitted when property is reclassified to the Medium Density Residential land use designation in that surrounding streets are fully developed with all utilities present. Any future development will be required to install the upgrades if needed. In addition, the new Burbank Elementary School and recently expanded Cannery Park can meet the community space and recreational needs of the existing community and the possible 17-33 additional residential units on the project site.

**d. All uses permitted when the 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 regulation.**

The Medium Density Residential land use designation will result in development that will be compatible with surrounding residential properties classified as Medium Density Residential and the amendment would allow 17-33 additional residential units to be developed, thereby serving the unmet housing needs of City of Hayward residents and those who would like to live in Hayward.

**Findings for Zone Change -**

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

Substantial proof exists that the proposed zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it will provide an opportunity to construct medium-density residential housing in an area within walking distance to Bay Area Rapid Transit, Alameda-Contra Costa Transit, Amtrak, the new Burbank Elementary School and Downtown retail. Opportunities for activities associated with a previously envisioned community center will be available in the adjacent new Burbank School. In addition, green house gas emission would be reduced as the result of the future transit oriented development and the proximity to a local shopping center, recreational and meeting facilities, and a public elementary school.

- f. The proposed change is in conformance with the purposes of the General Plan and all applicable, officially adopted policies and plans.**

The proposed Zone Change to Medium-Density Residential is in conformance with the following City's General Plan policies.

**Zoning Ordinance**

**Section 10-1.400 Medium Density Residential District**

**Purpose:** To promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible.

The proposed Zone Change to Medium-Density Residential District will create a potential for in-fill development that will be integrated, in design, density and character, within a neighborhood of single-family homes and duplexes. The surrounding properties are also within the Medium Density Zoning District.

- g. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified.**

Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to Medium Density Residential District in that surrounding streets are fully developed with all utilities present. As a condition of approval of any future development, the developer would be required to install any needed infrastructure upgrades.

- h. All uses permitted when the 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 zone change from Public Facilities District to Medium Density Residential District allows for the development of dwelling units that will be compatible with surrounding residential properties classified as Medium Density Residential District. The development of dwelling units will provide additional housing opportunities thereby serving the unmet housing needs of City of Hayward residents and those who would like to live in Hayward.

## **ENVIRONMENTAL REVIEW**

In 2001, the City of Hayward certified the Program Environmental Impact Report (EIR) for the Hayward Cannery Area General Plan Amendment and Cannery Area Design Plan. For this project, an Initial Study and Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) guidelines, which tiers off that EIR, and concludes no significant environmental impacts would occur (Attachment D). No significant environmental impacts are expected to result from the project. The change of this property from Public Facilities District to Medium-Density Residential District would not place a substantial burden on the surrounding neighborhood, City services, traffic or schools, due to the limited development potential of this infill site.

## **PUBLIC OUTREACH**

On July 17, 2008, a referral was mailed to all of the property owners and occupants within 300 feet of the project site. Staff received two phone calls and one letter from residents in the neighborhood. They are concerned with traffic impacts and suggest that only one-story single-family homes be built on the site.

On September 2, 2008, a notice of the preparation and review of the Negative Declaration and public hearing was published in *The Daily Review* and mailed to property owners and occupants within the adjacent neighborhoods. To date, no comments have been received due to such notice.

## **SCHEDULE**

The Redevelopment Agency and the HUSD executed a Public Facilities Development and Property Exchange Agreement. Hayward Unified School District transferred the Residual Burbank School site to the Agency in August upon completion of the new Burbank School. The intent of the Agency is to sell the 3.89-acre site to Citation Homes to be developed with 60 units. The proceeds from the sale of the property will defray some of the costs from constructing the new Burbank School. In August 2008, after the transfer of the Residual Burbank School site to the Agency, Citation Homes submitted Planned Development and Tentative Tract Map applications for the development of the subject 1.95-acre site in conjunction with the adjacent 1.95-acre parcel.

The General Plan Amendment and Zone Change Application is scheduled for the City Council Meeting of November 25, 2008. The Citation Homes applications will be reviewed by the Planning Commission and the City Council in Winter 2008-2009.

Prepared by:



Arlynn J. Camire, AICP  
Associate Planner

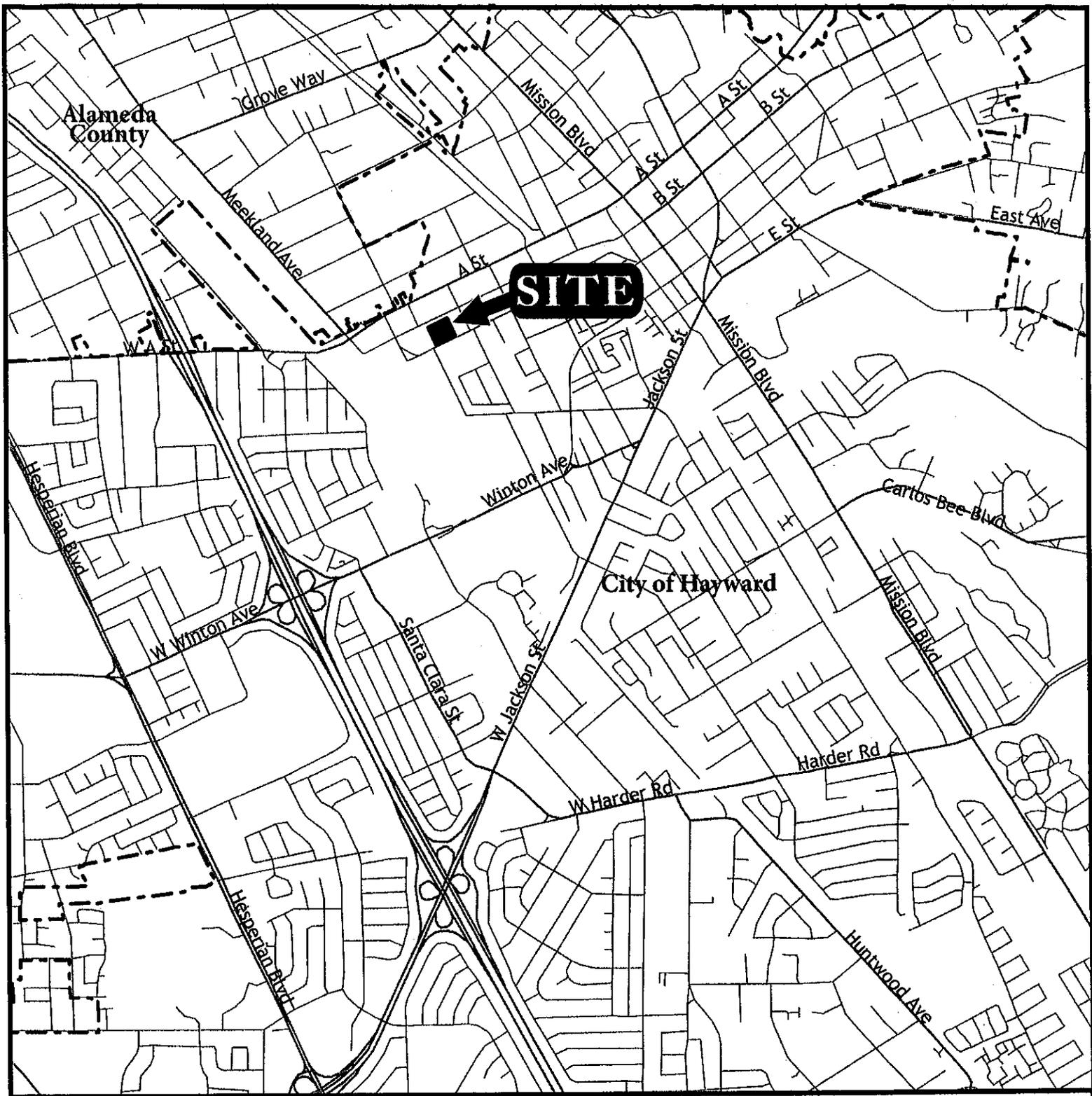
Recommended by:



Richard Patenaude, AICP  
Planning Manager

**Attachments:**

- A. Vicinity Map
- B. Existing and Proposed General Plan Designation and Zoning District Map
- C. Findings for Approval
- D. Design Concept, Hayward Cannery Area Design Plan
- E. Negative Declaration and Environmental Checklist
- F. Development Review Application



# Vicinity Map

PL-2008-0345/0346 GPA/ZC

Burbank School Residual Property at 353 B Street





## **FINDINGS FOR APPROVAL**

**General Plan Amendment No. PL-2008-0345  
Zone Change No. PL 2008-0346  
Hayward Redevelopment Agency (Applicant/Owner)**

*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:*

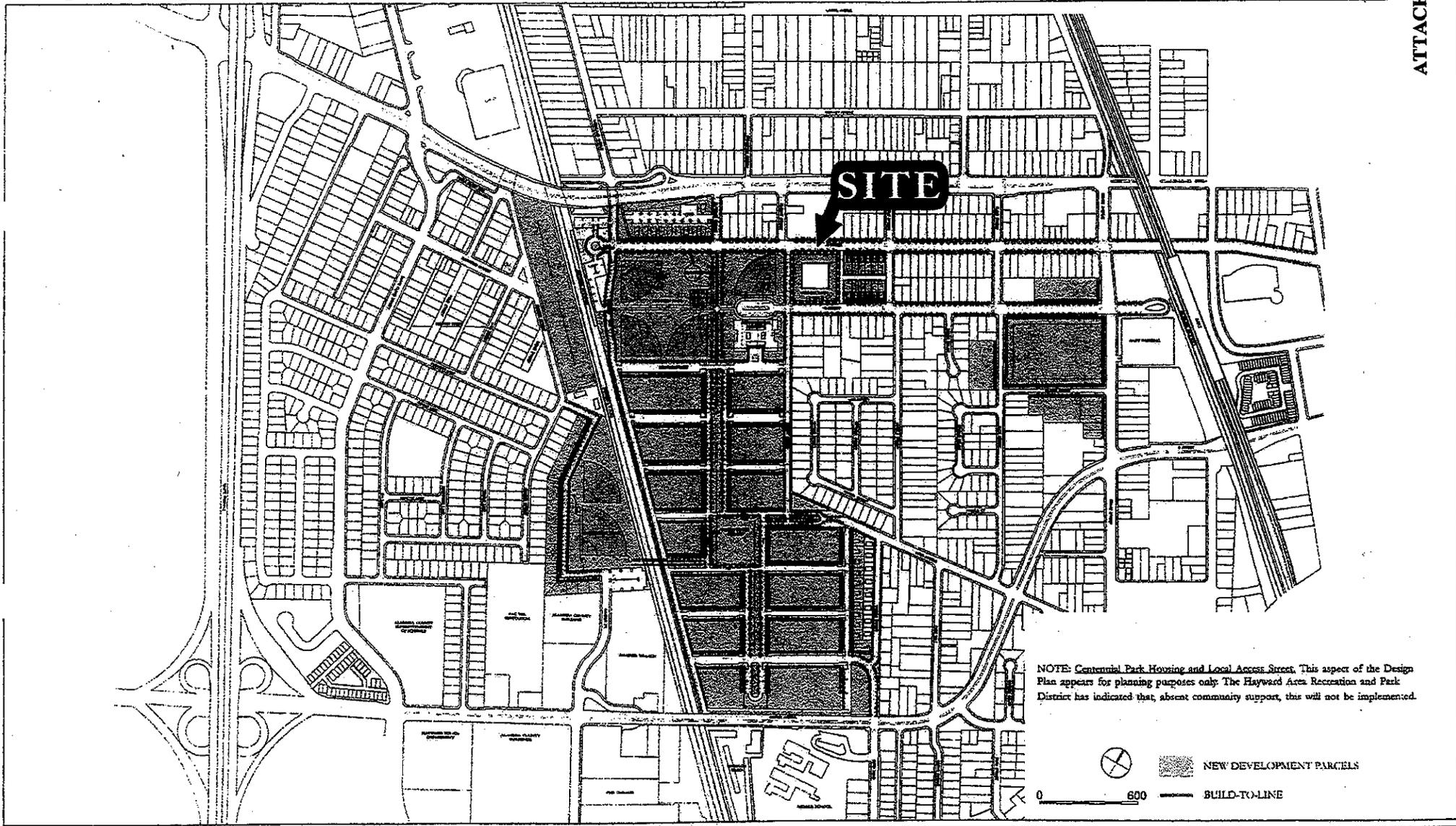
- B. The proposed General Plan Amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Medium-Density Residential land use designation will allow additional housing units within walking distance to Bay Area Rapid Transit, Alameda-Contra Costa Transit, Amtrak, the new Burbank Elementary School and Downtown retail while community center facilities would be provided at the new adjacent Burbank Elementary School. As a result, green house gas emissions will decrease creating a healthier environment.
- C. The proposed General Plan Amendment to Medium-Density Residential land use designation is in conformance with the City's General Plan policies of the Land Use Element supporting in-fill, transit-oriented development. Resultant development would encourage alternatives to the automobile because the project site is located within walking distance of Hayward Bay Area Rapid Transit, Alameda-Contra Costa Transit, Greyhound, and Amtrak thereby, also fulfilling policies of the Housing Element of the General Plan. The Housing Element encourages provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse needs of the community. Furthermore, the Hayward Cannery Area Plan, as amended, and will result in development that will be compatible with surrounding residential land uses and the policies of the Housing Element. The additional units would fulfill the policy of provision of affordable housing and ownership housing. In this case, the Redevelopment Agency resources have been used to generate affordable housing within a Redevelopment Project area.
- D. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to the Medium Density Residential land use designation in that surrounding streets are fully developed with all utilities present. Any future development will be required to install the upgrades if needed. In addition, the new Burbank Elementary School and recently expanded Cannery Park can meet the community space and recreational needs of the existing community and the possible 17-33 additional residential units on the project site.

- E. All uses permitted when the property is reclassified to Medium Density Residential will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulation in that the amendment would allow 17-33 additional residential units to be developed, thereby serving the unmet housing needs of City of Hayward residents and those who would like to live in Hayward.

*Findings for Approval – Zone Change:*

- F. Substantial proof exists that the proposed zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it will provide an opportunity to construct medium-density residential housing in an area within walking distance to Bay Area Rapid Transit, Alameda-Contra Costa Transit, Amtrak, the new Burbank Elementary School and Downtown retail. Opportunities for activities associated with a previously envisioned community center will be available in the adjacent new Burbank School. In addition, green house gas emission would be reduced as the result of the future transit oriented development and the proximity to a local shopping center.
- G. The Zoning Ordinance, as amended, is in conformance with the purposes of the Zoning Ordinance, and all applicable, officially adopted policies and plans, in that the proposed density will be compatible with the existing and proposed medium density development to the north, east, and south and the new Burbank Elementary School and Cannery Park to the west. The General Plan advocates the principles of smart growth in the downtown. These principles include taking advantage of compact building design, create a range of housing opportunities to suit the needs and income levels, and choices, to reduce dependence on automobiles, create walkable neighborhoods, and provide a variety of transportation choices. In addition, the goal of the Zoning Ordinance is to promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible. The proposed Zone Change to Medium-Density Residential District will create a potential for in-fill development that will be integrated, in design, density and character, within a neighborhood of single-family homes and duplexes. The surrounding properties are also within the Medium Density Zoning District.
- H. Streets and public facilities, existing or proposed, are adequate to serve all uses permitted when property is reclassified to Medium Density Residential District in that surrounding streets are fully developed with all utilities present. As a condition of approval of any future development, the developer would be required to install the upgrades if needed.
- I. All uses permitted under the Medium Density Residential District will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing Public Facilities zoning, which does not allow the development of residential uses resulting in additional transit oriented, for ownership market rate and affordable housing.

# Design Concept





## CITY OF HAYWARD NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that the following proposed project could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended:

### ***I. PROJECT DESCRIPTION:***

Project title: *General Plan Amendment No. PL-2008-00345 and Zone Change No. PL-2008-0346*

Description of project: *Request to amend the General Plan Designation from "Public and Quasi-Public" to "Medium-Density Residential" (8.8-17.4 Dwelling Units/Net Acre), change the Zoning District from "Public Facilities" to "Medium-Density Residential," and amend the Hayward Cannery Area Design Plan to allow residential development consistent with that allowed on the immediately adjacent property to the east.*

*The project site is a 1.95-acre western portion of the property that contained the former Burbank School that is bounded by B Street on the North, Myrtle Street on the East, C Street on the South, and the Filbert Street on the West.*

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

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

#### ***FINDINGS SUPPORTING DECLARATION:***

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources since the site is surrounded by urban, residential development and Burbank Elementary School.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and once contained the former Burbank Elementary School that has been demolished.
4. The project will not result in significant impacts related to changes air quality or greenhouse gas emissions since the project will not result in an increase in the addition of residential units projected to be built within the Hayward Cannery Area Design Plan since the developers of two approved tracts have amended their projects to result in a net decrease of 52 units, the 30 units anticipated to be

developed on the western 1.95 acres would not exceed the projected number of units to be built within the Cannery Area. In addition, air quality was analyzed in an EIR prepared and certified in 2001. Furthermore, the units that will be built are required to be certified GreenPoint Rated.

5. The project will not result in significant impacts to biological resources such as wildlife and wetlands. The site does not contain wetlands, or habitat that is suitable for rare plant species or their habitats or special-status species and once was developed with an elementary school that has been demolished.
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 not within a State Earthquake Fault Hazard zone, although it may be subject to strong seismic ground shaking during a strong earthquake.
8. The project will not lead to the exposure of people to hazardous materials. The site was once developed with an elementary school. The general plan amendment and zone change facilitates medium density residential development, which would not involve use of such materials.
9. The project would not affect water quality. Any future residential development will meet all water quality standards. Drainage improvements would be made to accommodate storm water runoff.
10. The project is consistent with the policies of the Hayward General Plan, the Zoning Ordinance and the Hayward Cannery Area Design Plan, in that the project would promote housing in close proximity to a transit station.
11. The project could not result in a significant impact to mineral resources, since no such resources exist on the site.
12. The project will not have a significant noise impact. The General Plan Land Use designation of Medium Density Residential and the Medium Density Residential Zoning District is consistent with the surrounding area that is developed with residential uses. Residents would not be affected by a significant noise impact.
13. The project will not displace people or housing or induce substantial growth since the site was once developed with an elementary school. The project facilitates the provision of additional housing that with entitled developments, will not exceed number of dwelling units anticipated by the Hayward Cannery Area Design Plan and the certified EIR.
14. The project will not result in a significant impact to public services since the projected number of units is consistent with the surrounding potential density and the density analyzed in the certified EIR.
15. The project would not have a measurable impact on recreation facilities. New recreational facilities and community center facilities are available to the

community at the adjacent new Burbank Elementary School and Cannery Park that were completed in August 2008. An agreement between the Hayward Unified School District and the Hayward Area Recreational District assures that recreational facilities will be available for the use by the community at the new school. Additionally, new future development at least will be required to contribute park in-lieu fees.

16. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access. The potential for approximately 30 peak hour trips that would be generated by the proposed General Plan Amendment and Zone Change. In addition, the project site is located within walking distance of Bay Area Rapid Transit (BART), Alameda-Contra Costa Transit, Greyhound bus services and the Hayward Amtrak station located two blocks from the project site.
17. The project would not result in a significant impact to utilities and services since the projected number of units is consistent with the surrounding potential density. At the time of development, infrastructure will be upgraded by future developers to meet the projected increased capacity requirements to serve dwelling units proposed for the site.

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



Arlynn J. Camre, AICP  
Dated: August 28, 2008

**I. COPY OF ENVIRONMENTAL CHECKLIST IS ATTACHED**

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For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4200

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**DISTRIBUTION/POSTING**

- Provide copies to all organizations and individuals requesting it in writing.
- Provide a copy to the Alameda County Clerk's 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.



## Environmental Checklist Form

1. Project title:  
*General Plan Amendment No. PL-2008-0345 and Zone Change No. PL-2008-0346*
2. Lead agency name and address:  
*City of Hayward Planning Division, 777 B Street, Hayward, California, 94541-5007*
3. Contact person and phone number:  
*Arlynn J. Camire, AICP, Associate Planner, 510-583-4206*
4. Project location:  
*Western half of the property bounded by B Street on the North, Myrtle Street on the East, C Street on the South, and the Filbert Street extension on the West.*
5. Project sponsor's name and address:  
*Hayward Redevelopment Agency, 777 B Street, Hayward, California, 94541-5007*

- |  |  |
|--|--|
| 6. General plan designation:<br><i>Public and Quasi-Public</i> | 7. Zoning:<br><i>Public Facilities/ Cannery Area<br/>Special Design Overlay District</i> |
|--|--|

8. Description:  
*Request to amend the General Plan Designation from "Public and Quasi-Public" to "Medium-Density Residential" (8.8-17.4 Dwelling Units/Net Acre), change the Zoning District from "Public Facilities" to "Medium-Density Residential," and amend the Hayward Cannery Area Design Plan to allow residential development on the western portion of the 3.98 acre parcel (known as the Residual Burbank School Site) consistent with that allowed on the eastern half of the parcel. The Cannery Area Special Design Overlay District (SD-4) will remain unchanged.*

*The project site is the 1.95-acre western portion of the 3.98-acre property that once was developed with Burbank Elementary School and is bounded by B Street on the north, Myrtle Street on the east, C Street on the south, and the Filbert Street extension on the west.*

*Environmental impacts within the Hayward Cannery Area were analyzed in the Draft EIR dated May 2001 and in the Final EIR dated July 2001 (SCH#2001032099.) The Hayward Cannery Area Design Plan was adopted and the EIR was certified by the City Council in July 2001. At that time, Mitigation Measures were adopted. All projects within the Cannery Area observe the Mitigation Measures.*

9. Surrounding land uses and setting: Briefly describe the project's surroundings:  
*Single-family homes, duplexes and a church across B Street to the north in the Medium Density Residential Zoning District; eastern 1.95 acre portion of the block once developed with a portion of Burbank Elementary School now vacant and single-family homes on Myrtle Street to the east in the Medium Density Residential Zoning District; single-family homes and duplexes across C Street to the south in the Medium Density Residential Zoning District; and the recently constructed new Burbank Elementary School and recently expanded Cannery Park to the west. The parcel is located west of downtown Hayward.*

*Burbank School was demolished in July and August 2008 resulting in a project site which is vacant, with flat terrain which is devoid of any natural habitats. Mature Sycamore street trees on B Street will remain.*

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.

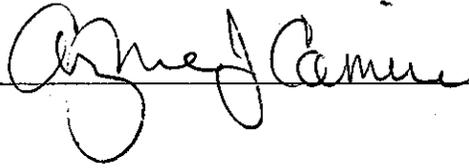
- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <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



Date

08/28/08

Arlynn J. Camire, AICP  
Printed Name

City of Hayward  
Agency

**ENVIRONMENTAL ISSUES:**

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

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>a) Have a substantial adverse effect on a scenic vista?<br/><i><b>No Impact:</b> The general plan amendment and the zone change would not affect scenic vistas. The site is located in an area of the city that has flat terrain. It is surrounded by single-family homes, duplexes, a two-story church and a two-story school.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?<br/><i><b>No Impact:</b> The general plan amendment and zone change would not facilitate damage to scenic resources. The site is flat, vacant and once developed with a school.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>c) Substantially degrade the existing visual character or quality of the site and its surroundings?<br/><i><b>No Impact:</b> The general plan amendment and zone change would not detrimentally affect the visual character or quality of the site or its surroundings. The site is flat, vacant and once developed with a school. Mature Sycamore street trees on B Street will remain. The general plan amendment and zone change would facilitate the development of residential units consistent with the surrounding land uses and allowable residential density.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?<br/><i><b>No impact:</b> The general plan amendment and zone change would not create a substantial source of light or glare. The conditions of approval of the required site plan review for any proposed project would require outdoor light fixtures to be designed to not allow light to glare or shine on adjacent properties.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

- |  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| 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?<br><b>No impact:</b> <i>The general plan amendment and zone change would not affect farmland. The project site is currently vacant and was developed with Burbank Elementary School located west of downtown Hayward in an urban area, containing no such farmland.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?<br><b>No impact:</b> <i>See II.a.</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?<br><b>No impact:</b> <i>See II.a.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?<br><b>No impact:</b> <i>The general plan amendment and zone change would not obstruct the implementation of any air quality plan.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or project air quality violation?<br><b>No impact:</b> <i>The general plan amendment and zone change would not negatively affect air quality. The proposed density is consistent with the overall density anticipated in the Hayward Cannery Area Design Plan. Existing mitigation measures require all projects within the Cannery area to meet construction dust control measures. Any impacts of future development are anticipated to be below the standard of air quality significance through the year 2025 as established by the Bay Area Air Quality Management District (BAAQMD).</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?<br><b>No impact:</b> <i>See III.b.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?<br><b>No impact:</b> <i>See III.b. In addition, any future development would be required to use materials that would have little or no off-gassing to contribute to improved indoor air quality.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- |   | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| e) Create objectionable odors affecting a substantial number of people?<br><i>No impact: The See III.b.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**IV. BIOLOGICAL RESOURCES -- Would the project:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?<br><i>No impact: The general plan amendment and zone change would not adversely affect biological resources. The project site was developed with Burbank Elementary School located west of downtown Hayward in an urban area. The school was demolished in July and August 2008 resulting in a construction site which is vacant and devoid of any natural habitats.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?<br><i>No impact: See IV.a.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?<br><i>No impact: See IV.a.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?<br><i>No impact: See IV.a.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?<br><i>No impact: See IV.a. In addition, the existing mature Sycamore trees located on the B Street frontage would be required to be maintained by any future developer.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?<br><i>No impact: See IV.a.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES -- Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>No impact: The general plan amendment and zone change would not adversely affect historical resources. The project site was developed with Burbank Elementary School which was demolished in July and August of 2008.</i> |                          |                          |                          |                                     |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>No impact: See V.a.</i>   |                          |                          |                          |                                     |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>No impact: See V.a.</i>   |                          |                          |                          |                                     |
| 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"/> |
| <i>No impact: See V.a.</i>   |                          |                          |                          |                                     |

VI. GEOLOGY AND SOILS -- Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>No impact: The general plan amendment and zone change would not in itself expose people or structures to potential adverse effects of fault rupture. The project site is located outside of the State Earthquake (Hayward) Fault zone.</i>   |                          |                          |                          |                                     |
| ii) Strong seismic ground shaking?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>No impact: The general plan amendment and zone change would not in itself expose people or structures to potential adverse effects of seismic ground shaking. The project site is located outside of the Hayward Fault zone. Future development will be required to be in accordance with the seismic design requirements of the California Building Code.</i> |                          |                          |                          |                                     |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction? <u>No impact:</u> The general plan amendment and zone change would not in itself expose people or structures to potential adverse effects of liquefaction. The project site is located outside of the Hayward Fault zone and is not in an area with the potential for seismic liquefaction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? <u>No impact:</u> The general plan amendment and zone change would not in itself expose people or structures to potential adverse effects of landslides. The project site is not located within a landslide area. The terrain of the project site and the surrounding area is flat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? <u>No impact:</u> The general plan amendment and zone change approval would not in itself result in substantial erosion or the loss of topsoil. The project site was developed with Burbank Elementary School which was demolished in July and August 2008. In order to prevent soil erosion and the loss of topsoil, the entire 3.98 area site will be planted with hydroseed, and irrigation is to be installed and maintained by the City of Hayward. The City of Hayward will maintain the site until the land is sold for development. At that time, the developer assumes the responsibility to maintain the property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <u>No impact:</u> See VI.b.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <u>No impact:</u> The general plan amendment and zone change approval would allow for future medium-density residential development. Preliminary Soil Investigation would be completed at the time of development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? <u>No impact:</u> There are sewer and stormwater systems in place. All new construction is required to be connected to the sewer and stormwater systems in the City of Hayward. Septic tanks or alternative wastewater disposal systems not are permitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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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>No impact: The general plan amendment and zone change would not create a need for the transport, use or disposal of hazardous materials. The general plan amendment and zone change would allow the site be developed with the residential units, which would not involve the use of hazardous materials.</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>No impact: See VII. a.</i>  |                          |                          |                          |                                     |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|    | <i>No impact: See VII. a.</i>  |                          |                          |                          |                                     |
| d) | Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|    | <i>No impact: See VII. A</i>   |                          |                          |                          |                                     |
| 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"/> |
|    | <i>No impact: The general plan amendment and zone change project site is not located within an airport plan area or within two-miles of the Hayward Executive Airport or a private airstrip.</i>   |                          |                          |                          |                                     |
| 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"/> |
|    | <i>No impact: See VII. e.</i>  |                          |                          |                          |                                     |
| 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"/> |
|    | <i>No impact: The general plan amendment and zone change would allow the construction of a residential project that would not interfere with any adopted emergency response or evacuation plan.</i>  |                          |                          |                          |                                     |

- |  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| 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?<br><i>No impact: The general plan amendment and zone change would not affect any wildlands. The project site was developed with Burbank Elementary School which was demolished in July and August 2008. .</i> | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

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

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?<br><i>No impact: The general plan amendment and zone change would not lead to violation of any water quality standards or waste discharge requirements. In addition, any future development would be required to meet requirements for water conservation through the use and implementation of water saving measures.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?<br><i>No impact: The general plan amendment and zone change would not result in the depletion of ground water supplies. Future development would be connected to public water systems.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?<br><i>No impact: The general plan amendment and zone change would not result in substantial erosion or siltation on-or off-site.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?<br><i>No impact: The general plan amendment and zone change would not affect drainage patterns and would not cause flooding.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?<br><i>No impact: The general plan amendment and zone change would not have any affect on stormwater drainage.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality?<br><i>No impact: See VIII. a.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- |  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporation | Less Than Significant Impact        | No Impact                |
|--|--------------------------------|---|-------------------------------------|--------------------------|
| g) 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 checked="" type="checkbox"/> | <input type="checkbox"/> |

**Less than significant impact:** *The general plan amendment and zone change project site is within Flood Zone B which are the areas between limits of the 100 year flood and a 500-year flood; or certain areas subject to the hundred year flooding with average depths less than 1-foot or where the contributing drainage area is less than 1 square mile; or areas protected by levies from the base flood. The approval of the general plan amendment and zone change would result in no impact. All future development would be required to mitigate any possible flooding impacts.*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Place within a 100-year flood hazard area with structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**No impact:** *See VIII. g. The site would be developed with residential units consistent with the density for the area. It is not anticipated that the structures would impede or redirect flood flows if flooding were to occur.*

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

**No impact:** *See VIII. g. People or structures will not be exposed to significant risk or loss, injury or death involving flooding. The site is not in an area 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**No impact:** *The general plan amendment and zone change project site is not located near a body of water, the ocean or a steep slope.*

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

**No impact:** *The general plan amendment and zone change would not result in any barriers that would divide a community. The project is to facilitate the development of residential units.*

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

**No impact:** *The general plan amendment and zone change would not conflict with any law, plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect.*

- |  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?<br><i>No impact: The general plan amendment and zone change would not result in a physical development that would conflict with any applicable habitat conservation plan or natural community conservation plan.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**X. MINERAL RESOURCES – Would the project:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?<br><i>No impact: The general plan amendment and zone change would not affect mineral resources. The project site was developed with Burbank Elementary School which was demolished in July and August of 2008. There are no known mineral resources on the project site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?<br><i>No impact: See X. a.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**XI. NOISE - Would the project result in:**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?<br><i>No impact: The general plan amendment and zone change would not result in an increase of noise levels. In addition, the site is not located in close proximity of a source of noise that would generate excessive noise levels such as a highway. Amtrak is two blocks away, however, the sound of the passing train is not excessive.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?<br><i>No impact: The general plan amendment and zone change would not cause the exposure of persons to excessive ground borne vibration or noise. The project site is not in close proximity to a source of ground-borne vibrations or noise from Amtrak.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?<br><i>No impact: See XI. a.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?<br><i>No impact: See XI. a. The project would facilitate the construction of a multi-family project. Construction noise would occur but is temporary.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- |  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| e) 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?<br><i>No impact: See XI.a.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?<br><i>No impact: See XI.a.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**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)?<br><i>No impact: The General Plan Designation would change from "Public and Quasi-Public" to "Medium Density Residential" (8.8-17.4 dwelling units/net acre) and the Zoning District would change from "Public Facilities" to "Medium Density Residential. The general plan amendment and zone change in itself would not produce a specific development but provides an opportunity for additional housing serving the unmet needs of City of Hayward residents. Any future residential project developed to medium density residential would not be considered to induce substantial population growth in the area. In addition, the number of dwelling units projected to be built within the Hayward Cannery Area Design Plan will not be exceeded as the result of this project, based on entitled projects.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?<br><i>No impact: See XII. a.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?<br><i>No impact: See XII. a.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**XIII. PUBLIC SERVICES**

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

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Fire protection? <i><b>No impact:</b> The general plan amendment and zone change approval would not in itself have an impact on government services, including fire and police protection, maintenance of public facilities, including roads, and in other government services. Impacts of residential development were analyzed in the EIR for the Hayward Cannery Area Design Plan which found that compliance with their current Fire and Building Codes for all new development would reduce the impact to less than significant. Therefore, the general plan amendment and zone change would not increase the need for additional Fire Department services since the project would allow the development within the projected densities of the Hayward Cannery Area Design Plan. Future development impacts to services will be analyzed and appropriate conditions of approval will be required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? <i><b>No impact:</b> See XIII.a. In addition, the Police Department will review the need for services at the time of application for any future development.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? <i><b>No impact:</b> The general plan amendment and zone change approval would not in itself have an impact on schools. However, future development of the site would generate students. Based on 2005 Hayward Unified School District projections and the density of 8.8-17.4 dwelling unit/net acres, the proposed development would generate between three to five elementary school students, one or two intermediate school students, and one to three high school students. The new Burbank Elementary School will accommodate the projected enrollment for elementary school students. Winton School and Hayward High School are the other two schools that would serve new housing. The developer would be required to pay school mitigation fees to the City in effect at the time building permits are granted.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? <i><b>No impact:</b> The general plan amendment and zone change would not have an impact on parks. However, future development would be subject to Park In-Lieu fees.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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- e) Other public facilities?

**No impact:** The general plan amendment from Quasi Public to Medium Density Residential and the zone change from Public Facilities to Medium Density Residential removes 1.95 acres of public facilities land to be used for residential development. The Hayward Cannery Area Design Plan (Design Plan) envisions a Community Center on the project site. Through a Master Facilities Use Agreement between the Hayward Area Recreation and Park District (HARD) and the Hayward Unified School District (HUSD), the facilities at the new Burbank Elementary School would be available to be used as a Community Center when not in use for school or school related activities by the school. Therefore, The Design Plan vision of the Community Center would be met.

**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?

**No impact:** The general plan amendment from Quasi Public to Medium Density Residential and the zone change from Public Facilities to Medium Density Residential removes 1.95 acres of public facilities land to be used for residential development. Residents of future development would use city parks including the adjacent expanded Cannery Park. Physical deterioration would occur through the use of the parks. This would be assessed at the time of development approval for future residential development. In addition, any future development would be subject to Park In-Lieu fees. The Hayward Cannery Area Design Plan identifies the project site to be developed with a community center. The Burbank School gymnasium was to be converted to a community center. However, after an evaluation of the building, it was determined that it was not adequate to meet the needs of the community. The Burbank School was demolished in July and August of 2008 after the completion of the new Burbank School which contains meeting room facilities and a gymnasium. Through a 2005 "Master Facilities Use Agreement" between the Hayward Area Recreation and Park District (HARD) and the Hayward Unified School District (HUSD), the facilities at the new Burbank School would be available to be used for HARD activities when not in use for school or school-related activities. Therefore, the facilities at the new Burbank School will provide opportunities for activities associated with a previously envisioned community center.

- |  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?<br><i>No impact: See XIV. a.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**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)?<br><i>No impact: The general plan amendment and zone change approval would not in itself have an impact on traffic. The general plan amendment from Quasi Public to Medium Density Residential (8.8-17.4 dwelling units/net acre) and the zone change from Public Facilities to Medium Density Residential do not have the potential to generate a substantial amount of traffic. The traffic generation resulting from future residential development would be well within the trip generation contemplated by the Design Plan Environmental Impact Report (July 2001) which found that the potential total trips generated and impacts to intersection levels of service were insignificant. This would be a less than significant impact on surrounding streets and intersections.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?<br><i>No impact: See XV. a.</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?<br><i>No impact: No such impacts would occur.</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)?<br><i>No impact: The general plan amendment and zone change approval would not create the potential for such hazards. In addition, adjacent residential development and the church would be compatible and consistent with future medium density residential development.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access? <i><b>No impact:</b> The general plan amendment and zone change approval would not create the potential for such hazards. Any future medium density residential development would be required to meet Uniform Fire Code and all conditions of approval imposed by the Hayward Fire Department. Therefore, the project would not have a negative effect on emergency access.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? <i><b>No impact:</b> Any future medium density residential development would be required to provide adequate off-street parking.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? <i><b>No impact:</b> Approval of the general plan amendment and zone change would not result in conflict with adopted policies supporting alternative transportation. The project site is walking distance from Bay Area Rapid Transit (BART) trains, Alameda-Contra Costa Transit buses, Greyhound buses, and the Hayward Amtrak station. The use of public transportation would reduce the overall carbon footprint of the City of Hayward by decreasing green house gas emissions. The Hayward Cannery Area Design Plan encourages public transit and other alternative forms of transportation</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? <i><b>No impact:</b> The general plan amendment and zone change project site in itself would not have a negative impact. The action does create the potential for development of medium density residential units. However, any future residential development is required to comply with all State, Regional and City of Hayward wastewater standards.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i><b>No impact:</b> See XVI. a. The construction of new water or wastewater treatment facilities or expansion of existing facilities would not be required, in that future development on the project site would not exceed capacity of existing facilities.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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>No impact: The general plan amendment and zone change project site in itself would not have a negative impact. The action does create the potential for development of medium density residential units. However, any future residential development would be required to comply with all State, Regional and City of Hayward storm water drainage standards. Any infrastructure improvements would be completed by the developer of the project site.</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>No impact: The general plan amendment and zone change project site in itself would not have a negative impact. The action does create the potential for development of medium density residential units. There is a sufficient water supply to serve any future project.</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 demand in addition to the provider's existing commitments? <i>No impact: See XVI. a.</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? <i>No impact: The general plan amendment and zone change project in itself would not have a negative impact. The approved residential density would facilitate the construction of homes that would generate solid waste and would contribute incrementally to the loss of landfill capacity in the County. Solid waste from a future residential project would be disposed of at the Altamont Landfill. The Altamont Landfill has sufficient disposal capacity to handle current and estimated waste stream until at least the year 2024 for land uses associated with the General Plan. All future development will be required to comply with federal, state, and local statutes and regulations related to solid waste. Participation in a City-wide recycling program would be required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>No impact: See XVI.f.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The general plan amendment and zone change project in itself does not have the potential to negatively affect the quality of the environment, nor negatively affect fish, wildlife, rare or endangered plant or animal species nor eliminate important examples of the major periods of California history or pre-history. The vacant site is located in an urban area and once was developed with a school that was demolished in July and August of 2008.*

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

*The general plan amendment and zone change project in itself would not have cumulative affects. The general plan amendment and zone change project allows medium density residential development which is consistent with surrounding zoning and development. The project will be consistent with the City's General Plan with the adoption of the general plan amendment and the zone change.*

- *Aesthetics and Light and Glare: The general plan amendment and zone change would not affect scenic vistas nor light and glare. The project site is located in a substantially urbanized area with existing sources of light and glare, therefore, future residential development cumulative impacts would be considered less than significant. All future development will be required to be designed to reduce the impacts of residential light or glare*
- *Air Quality: All future development is required to meet construction dust control measures. Any impacts of future development are anticipated to be below the standard of air quality significance through the year 2025 as established by the Bay Area Air Quality Management District (BAAQMD). Furthermore, future development would be required to use low or no-off-gassing construction and interior materials that would improve indoor air quality.*
- *Biological Resources: The site is vacant and was once developed with Burbank Elementary School that was demolished in July and August of 2008. The site is devoid of natural habitats. Cumulative biological impacts are not anticipated.*
- *Cultural Resources: The general plan amendment and zone change would not adversely affect cultural resources. The project site was developed with Burbank Elementary School located west of downtown Hayward in an urban area. The school was demolished in July and August 2008 resulting in a project site which is vacant. Potential impacts to cultural resources are not considered cumulatively significant in that no such impacts are anticipated.*
- *Geology and Soils: The project site is located outside of the Hayward fault zone. It is anticipated that any future development would not have a cumulative effect.*
- *Hydrology and Water Quality: the project site is located within Flood Zone B. All future development would be required to be designed to mitigate any possible impacts. However, this would not result in a cumulative impact.*
- *Hazards: Potential impacts to hazards are not considered cumulative.*
- *Land Use and Planning: Future residential development will be consistent with zoning and the general plan.*

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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- *Mineral Resources have not been found on this site that was developed with a school that was demolished.*
- *Noise: Cumulative noise impacts are not anticipated since any noise created by future development would be short-term; limited to the construction phase.*
- *Population and Housing: Cumulative impacts to population, employment and housing are not anticipated.*
- *Utilities and Public Services:  
No cumulative impacts to solid waste services are anticipated.*
- *Recreation: Residents of future development would use city parks, including the adjacent expanded Cannery Park and facilities at the new Burbank School. Any future development would be subject to park in-lieu fees. Cumulative impacts to recreation facilities would be offset by park in-lieu fees.*
- *Transportation, Parking and Circulation: Cumulative impacts are not anticipated. The project site is within walking distance from public transportation and rail.*
- *No cumulative impacts are anticipated to utility and service providers. The project site as infill development will be adequately served with water, sewer, police, fire and educational facilities.*

c) Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?





*The general plan amendment and zone change project in itself would not have a direct or indirect adverse impact on humans because the approved action does not directly result in construction. The general plan amendment and zone change would allow medium density residential development. The development of the project site would be consistent with the eastern portion of the Burbank Residual School site which allows for medium density residential development. Impacts of developing the Hayward Cannery Area were analyzed in the Cannery Area Design Plan EIR certified by the Hayward City Council in July 2001.*



**CITY OF HAYWARD**  
**PLANNING DIVISION**  
**APPLICATION FOR A DEVELOPMENT PERMIT**  
 777 B STREET, HAYWARD, CA 94541-5007  
 (510) 583-4200 ♦ TDD (510) 247-3340 ♦ FAX (510) 583-3649

<b>APPLICATION</b>	
NUMBER	<u>PL-2008-0345/0346 -</u>
	<u>GPA/ZC</u>
TAKEN BY	<u>AC</u>
DATE	<u>7-7-2008</u>

APPLICANT(S) Hayward Redevelopment Agency (RDA)  
LAST NAME FIRST NAME

COMPANY NAME (IF APPLICABLE) City of Hayward

STREET 777 B Street

CITY Hayward STATE CA ZIP CODE 94541 PHONE NO. 510-583-4263

FAX NO. \_\_\_\_\_ E-MAIL \_\_\_\_\_ CELL PHONE \_\_\_\_\_

APPLICANT'S INTEREST IN PROPERTY:  OWNER  LESSEE  OPTIONEE  OTHER \_\_\_\_\_

INVOICES TO BE DIRECTED TO:  OWNER  APPLICANT  OTHER \_\_\_\_\_  
(Please provide address if other, see note 2)

PROPERTY OWNER(S) Hayward Redevelopment Agency (RDA) PHONE NO. (510) 583-4263  
LAST NAME FIRST NAME

STREET 777 B Street CITY Hayward STATE CA ZIP CODE 94541

FAX NO. (510) 782-7213 E-MAIL \_\_\_\_\_ CELL PHONE \_\_\_\_\_

TYPE OF PERMIT(S):  SITE PLAN REVIEW  GENERAL PLAN AMEND.  PARCEL MAP  TRACT MAP  VARIANCE  
 USE PERMIT  ADMIN. USE PERMIT  ZONE CHANGE FROM \_\_\_\_\_ TO \_\_\_\_\_  OTHER \_\_\_\_\_

PROJECT ADDRESS/LOCATION 353 B Street, Burbank School ( A portion thereof, 3.89 acres)

ASSESSOR'S MAP NO. Portion of 431-0024-001 ZONING DISTRICT(S) PF-SD4

PROJECT DESCRIPTION (attach additional sheets if necessary) To amend the General Plan Land Use Designation, Change the Zoning District, and Amend the Hayward Cannery Area Design Plan to Facilitate the Development of Medium Density Residential Uses

I HEREBY CERTIFY THAT I AM THE OWNER OF RECORD OF THE PROPERTY DESCRIBED ABOVE AND, FURTHER THAT I APPROVE OF THE PROPOSED USE CONTAINED HEREIN. SEE NOTE 2.

OWNER Hayward Redevelopment Agency  
 SIGNATURE X Paul Nelson  
SEE NOTE 2

I HEREBY STATE THAT THE FOREGOING STATEMENTS AND ANSWERS AND ALL DATA, INFORMATION AND EVIDENCE SUBMITTED HERewith ARE IN ALL RESPECTS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE AND CORRECT.

APPLICANT Hayward Redevelopment Agency  
 SIGNATURE X Paul Nelson

STAFF REMARKS

THIS IS YOUR RECEIPT WHEN MACHINE VALIDATED



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, October 2, 2008, 7:30 p.m.  
777 B Street, Hayward, CA 94541**

**MEETING**

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

**ROLL CALL**

Present:	COMMISSIONERS:	McKillop, Márquez, Mendall, Peixoto, Thnay, Loché
	CHAIRPERSON:	Lavelle
Absent:	COMMISSIONER:	None

Staff Members Present: Camire, Conneely, Dalmon, Patenaude, Lens

General Public Present: No one was in attendance.

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC HEARING**

2. **General Plan Amendment Application No. PL-2008-0345 and Zone Change Application No. PL-2008-0346 – Residual Burbank School Site – Hayward Redevelopment Agency (Applicant/Owner) - Request to a) Amend the General Plan Land Use Designation to Medium Density Residential; b) Change the Zoning District to Medium Density Residential; and c) Amend the Hayward Cannery Area Design Plan to Facilitate the Development of Medium Density Residential Uses – The Project Location is the Western Half of the Block Bounded by B Street on the North, Myrtle Street on the East, C Street on the South, and Filbert Street on the West**

Associate Planner Camire gave a synopsis of the report.

Commissioner Loché inquired about other agreements between the City of Hayward, Hayward Area Recreation and Park District (HARD), and Hayward Unified School District (HUSD) where schools gymnasiums serve as community resources. Redevelopment Project Manager Dalmon indicated that HARD has agreements with other schools for use of multipurpose rooms. In response to Mr. Loché’s inquiry regarding Negative Declaration No. 15, Associate Planner Camire stated that the agencies agreed that the facilities at the school and park would sufficiently serve the needs of the community.

Commissioner Peixoto was concerned that the proposal would result in a net loss of public land. He was also concerned about lack of public input, facilities availability to community during non-school hours, and liability burden. Redevelopment Project Manager Dalmon indicated that the

**DRAFT**

Redevelopment Agency, HARD, and HUSD mutually agreed to pursue the facility on the new school site. Planning Manager Patenaude noted that, at a public hearing, City Council was in agreement with Citation Homes to develop the property. Associate Planner Camire responded that the facility would be available after school hours and that HARD would assume responsibility for keeping the schedule for meeting rooms and recreational activities. Assistant City Attorney Conneely indicated that the City has no property interest on the Burbank School site and therefore no exposure for the City.

Commissioner Mendall was disappointed that some sections of the original commercial use of the Cannery Plan were reduced to residential use and he was concerned that plans for the community center would be lost to more residential use. Planning Manager Patenaude indicated that it was determined that it would be more cost effective and more secure to use the school facilities at greater use, rather than to retain an inadequate building. Mr. Mendall was concerned that the proposal implied that there would not be enough recreational facilities. Mr. Mendall further inquired if there was any consideration given to re-zoning the residual site for commercial use. Mr. Patenaude indicated that throughout early discussions, it was determined that downtown would be a better place for commercial use.

In response to Commissioner Thnay's inquiry for the number of single-family units that were approved for the Cannery Plan, Redevelopment Project Manager Dalmon indicated that there were approximately 800 units. Having lived at a subdivision site without a community center, Mr. Thnay favored having a community facility where the community has a sense of belonging, and therefore, was not in complete agreement that a school facility would serve the same purpose. Planning Manager Patenaude added that from his personal experience, the school in his neighborhood was where neighborhood activities center, e.g., Halloween parties.

In response to Commissioner Márquez' inquiry about the initial plan for the community center, Associate Planner Camire indicated that the intent was to share the facility, which was proposed to be managed by HARD with priority given to HUSD during the day and off school hours used by the community. Ms. Camire indicated that the old gymnasium was demolished, but if it would have been found to be an inadequate building, its full use would have been for the community.

In reference to Commissioner Loché's inquiry regarding public input from property owners and occupants within 300 feet of the project site, Associate Planner Camire reported that two concerns were received. One concern was that the density be consistent with what exists in the surrounding area and that only one-story single family homes be built. Another feedback involved support for the project and concern for community problems occurring in the area.

As there were no public members present, it was not necessary to open and close the public hearing section.

Commissioner McKillop indicated that she had the opportunity to visit the Burbank School/Cannery Park and she was highly impressed with the efforts to develop the new modern gymnasium and was in favor of demolishing an antiquated building. Ms. McKillop did not support keeping two buildings that would not have full use. She indicated that the proposal is in line with the General Plan and with plans for the downtown area.



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, October 2, 2008, 7:30 p.m.  
777 B Street, Hayward, CA 94541**

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Commissioner McKillop spoke highly of the proposed project and made a motion per staff recommendation.

Chair Lavelle seconded the motion.

Commissioner Mendall did not object to using the new gymnasium as a community center. Mr. Mendall argued that original mixed-use plans do not always come to fruition, which results in more residential zoning. He also added that walk-able communities require commercial outlets within a half a mile. He favored, at least considering, zoning the site commercial. He did not support the motion on the floor.

Commissioner Thnay concurred with Commissioner McKillop that the new Burbank School/Cannery Park area is improving favorably. He added that the school will continue to be available for meetings. He also noted that the considered area is already densely zoned and he was concerned for lack of parking ratio. Lastly, he was inclined towards having a commercial area or first class public meeting facility.

Commissioner Loché visited the site and spoke highly of the gymnasium. He did not favor more residential zoning, but something that would better serve the community, such as a recreational purpose or commercial zoning. He did not support the motion.

Commissioner Márquez concurred with Commissioners Mendall and Loché that the proposal is not the best use for the site. Ms. Márquez supported a more mixed-use with commercial or another component of community center. She was favorable of having a facility that could attract senior residents from housing behind the BART station and also within the community to participate in activities during the day and also get it to be a more walk-able community. She did not support the motion.

Commissioner Peixoto did not agree in building more residences as a default for the high margin that residential developments represent. He was not sure of the type of outreach that was planned in order to inform the community that the school would be available for the community. He favored a more balanced development, such as recreational uses for the youth. He could not support the motion.

Commissioner McKillop, with respect to building homes in the proposed area, argued that high density residential around the BART station makes sense from an economic stand point of view.

Commissioner Mendall agreed with Commissioner McKillop about having density residential in proximity to transit, but he also felt the same about having proximity to services.

Chair Lavelle concurred with Commissioner McKillop's motion adding that she seconded the motion to move the discussion and also based on principles as one stated in the Background of the report, *"The overall increase of potential 17 to 33 residential units would not exceed the number of*

*units projected to be built in the Cannery Area, since approved revisions to two tracts within the Cannery Area would result in 52 fewer homes than anticipated.”* Ms. Lavelle indicated that the responsibility as tax payers and to HUSD and HARD is to use the new school extensively. She added that staff was creative in findings actions to create recreational facilities at the Burbank School for activities at night, and on weekends. She supported the idea of maximizing the use of the new school and she was content with the lack of an increase in overall units in the Cannery Area.

Commissioner McKillop moved, seconded by Chair Lavelle, and FAILED with the following vote, to recommend approval to the City Council of the proposed project, including the adoption of the attached Negative Declaration, and approval of the general plan amendment, zone change, and amendments to the Hayward Cannery Area Design Plan, subject to the findings for approval.

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

Assistant City Attorney Conneely indicated that the vote meant that the proposed application was denied by the Planning Commission and would be forwarded to the City Council.

### **ADDITIONAL MATTERS**

#### **3. Oral Report on Planning and Zoning Matters**

Planning Manager Patenaude asked that the Commission respond about their availability for a Joint City Council/Planning Commission Work Session meeting regarding Bay Friendly Landscaping on November 25, 2008.

#### **4. Commissioners' Announcements, Referrals**

Commissioner Mendall reported that street cracks on Twin Bridges neighborhood need to be sealed. Planning Manager Patenaude noted that it would be referred to Maintenance Services.

Commissioner Peixoto inquired about the impact that reduction of City staff will have on community abatement. Planning Manager Patenaude indicated that Community Preservation should not have a negative impact. He added that new staff has not been filled yet.

Commissioner Thnay concurred with the thought that graffiti in the area of Pacheco Way, Industrial Boulevard and Huntwood Avenue is getting worse. He favored the Red Light Camera Enforcement program.

In response to Chair Lavelle, Planning Manager Patenaude indicated that the Grand Opening of Century Theaters was scheduled for October 24, 2008, and added that the opening of Peet's Coffee was also forthcoming. Chair Lavelle reminded everyone that the last day to register in order to vote on the Presidential Election was October 20, 2008. Ms. Lavelle also congratulated Ms. Miriam Lens

**DUE TO THE COLOR OF  
THE REFERENCED  
EXHIBIT, IT HAS  
BEEN ATTACHED AS  
A SEPARATE LINK**



## HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

October 20, 2008

**RECEIVED**

OCT 23 2008

PLANNING DIVISION

Mr. Greg Jones  
City Manager  
City of Hayward  
777 B Street  
Hayward, CA 94541

Dear Mr. Jones:

The Hayward Area Recreation and Park District (HARD) has been involved in discussions concerning the Burbank Area Plan since its beginning. The original Burbank Design Plan included a plan to have the vacated Burbank School converted to a community center. As the agencies met with each other and the architect, it became apparent that the new Burbank School could be designed and programmed to meet the needs of the community and HARD. The vision changed to what has been constructed today.

The Hayward Area Recreation and Park District and the Hayward Unified School District entered into a Master Facilities Use Agreement, which assures that the new Burbank School is available for HARD programs when it is not in use for school purposes. Therefore, the Design Plan vision for a community center has been met at the new Burbank School. The Hayward Area Recreation and Park District supports the development of residential housing on the old Burbank School property.

Sincerely,

**Rita Shue**  
**General Manager**

RS:jw

Cc: Arlyne Camire, Associate Planner

**BOARD OF  
DIRECTORS**

Louis M. Andrade  
Paul W. Hodges Jr.  
Minane Jameson  
Carol A. Pereira  
Richard H. Sheridan

**GENERAL MANAGER**

Rita Bedoya Shue

# DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 08-

Introduced by Council Member \_\_\_\_\_

*mae*  
*11/21/08*

RESOLUTION ADOPTING THE NEGATIVE  
DECLARATION AND APPROVING GENERAL PLAN  
AMENDMENT PL-2008-0345, ZONE CHANGE  
APPLICATION PL-2008-0346 AND RELATED  
AMENDMENTS TO THE HAYWARD CANNERY AREA  
DESIGN PLAN PERTAINING TO THE RESIDUAL  
BURBANK SCHOOL SITE

WHEREAS, the Hayward Redevelopment Agency (Applicant/Owner) has submitted General Plan Amendment Application No. PL 2008-0345 and Zone Change Application No. PL 2008-0346, which concerns a request to a) amend the General Plan Land Use Designation from Public and Quasi-Public to Medium-Density Residential; b) change the Zoning from Public Facilities to Medium Density Residential; and c) amend the Hayward Cannery Area Design Plan to facilitate the development of Medium Density Residential uses at the Residual Burbank School Site (a portion of APN 431-0024-001), located on the western half of the block bounded by B Street on the north, Myrtle Street on the east, C Street on the south, and the Filbert Street extension on the west (the "Project"); and

WHEREAS, the Planning Commission conducted a public hearing on the Project on October 2, 2008, and voted 5:2:0 to recommend denial of the Project, indicating the site would better serve the community if developed with a community center as originally contemplated in the Hayward Cannery Area Design Plan and neighborhood-serving commercial, instead of medium density residential; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on November 25, 2008, during which the City Council considered oral and written testimony and the record of the prior proceedings; and

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

## GENERAL PLAN AMENDMENT

2. The proposed General Plan Amendment will promote the public health, safety, convenience and general welfare of the residents of Hayward in that the Medium-Density Residential land use designation will allow additional housing units within walking distance to BART, AC Transit, Amtrak, the new Burbank Elementary School and downtown retail, while community center facilities have been provided at the new adjacent Burbank Elementary School. As a result, green house gas emissions will decrease creating a healthier environment.
3. The proposed General Plan Amendment to Medium-Density Residential land use designation is in conformance with the City's General Plan policies of the Land Use Element supporting in-fill, transit-oriented development. The resulting development would encourage alternatives to automobile travel because the Project is located within walking distance of the downtown Hayward BART station, AC Transit, Greyhound, and Amtrak, thereby fulfilling policies of the Housing Element of the General Plan. The Housing Element encourages provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse needs of the community. Furthermore, the Hayward Cannery Area Design Plan, as amended, and will result in development that will be compatible with surrounding residential land uses and the policies of the Housing Element. The additional units would further advance the policy of provision of affordable housing and ownership housing. In this case, Redevelopment Agency resources will be used to help generate affordable housing within the Redevelopment Project area.
4. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to the Medium Density Residential land use designation in that surrounding streets are fully developed with all utilities present. Any future development will be required to install the upgrades if needed. In addition, the new Burbank Elementary School and recently expanded Cannery Park can meet the community space and recreational needs of the existing community and the possible 17-33 additional residential units on the Project site.
5. All uses permitted when the property is reclassified to Medium Density Residential will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulation in that the amendment would allow 17-33 additional residential units to be developed, thereby serving the unmet housing needs of City of Hayward residents and those who would like to live in Hayward.

## FINDINGS FOR APPROVAL – ZONE CHANGE

6. Substantial proof exists that the proposed zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it will provide an opportunity to construct medium-density residential housing in an area within walking distance to BART, AC Transit, Amtrak, the new Burbank Elementary School and downtown retail. Opportunities for activities associated with a previously envisioned community center are available in the adjacent new Burbank School. In addition, green house gas emission would be reduced as the result of the future transit-oriented development and the proximity to local shopping areas.
7. The Zoning Ordinance, as amended, is in conformance with the purposes of the Zoning Ordinance, and all applicable, officially adopted policies and plans, in that the proposed density will be compatible with the existing and proposed medium density development to the north, east, south and the new Burbank Elementary School and Cannery Park to the west. The General Plan advocates the principles of smart growth in the downtown. These principles include taking advantage of compact building design; creating a range of housing opportunities to suit the needs of differing income levels and choices; reducing dependence on automobiles; creating walkable neighborhoods; and providing a variety of transportation choices. In addition, the goal of the Zoning Ordinance is to promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible. The proposed Zone Change to Medium-Density Residential District will create a potential for in-fill development that will be integrated in design, density and character within a neighborhood of single-family homes and duplexes. The properties surrounding the Project are also within the Medium Density Zoning District.
8. Streets and public facilities, existing or proposed, are adequate to serve all uses permitted when property is reclassified to Medium Density Residential District in that surrounding streets are fully developed with all utilities present. As a condition of approval of any future development, the developer would be required to install additional upgrades, if needed.
9. All uses permitted under the Medium Density Residential District will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved that is not obtainable under existing Public Facilities zoning, which does not allow the development of residential uses, precluding additional transit-oriented housing for ownership market rate and affordable housing.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, that the Negative Declaration is hereby adopted and General Plan Amendment No. PL-2008-0345, Zone Change Application No. PL-2008-0346 and the related amendments to the Hayward Cannery Area Design Plan are approved, subject to the adoption of the companion ordinance rezoning the western half of the Residual Burbank School Site (a portion of APN 431-0024-001) from Public Facilities District to Medium-Density Residential District.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2008

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



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