

HAYWARD CITY COUNCIL

RESOLUTION NO. 24-\_\_

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

RESOLUTION APPROVING A ZONE CHANGE AND FINDINGS THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ARC OF THE EAST BAY (APPLICANT/OWNER)

WHEREAS, on May 9, 2023, Arc of the East Bay, submitted Zone Change Application No. MTA-23-0005, to rezone an existing parcel from Planned Development (PD) District to Medium Density Residential (RM) District located at 1103 Walpert Street (Assessor's Parcel Number (APN) 445-0040-003-03); and

WHEREAS, a Program Environmental Impact Report (EIR) was prepared for the Hayward 2040 General Plan and certified by the City Council on July 1, 2014 pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168. In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if changes are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. The Program EIR covers the subject zoning map amendments, and the said amendments are fully consistent with the General Plan Land Use designation. Future development would undergo site and project specific review. No further environmental review is necessary; and

WHEREAS, on January 11, 2023, the Planning Commission held a duly noticed public hearing on the proposed project and voted 7:0 to recommend City Council's approval of the project; and

WHEREAS, on January 19, 2024, notice of the City Council public hearing related to the proposed project was mailed to all property owners and residents within 300 feet of the project site as well as those who requested such notice; and was published in The Daily Review; and

WHEREAS, on January 30, 2024, the City Council held a public hearing and accepted public testimony on the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following findings:

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) was prepared for the Hayward 2040 General Plan. On July 1, 2014, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Program Environmental Impact Report (EIR).
- B. In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if changes are necessary. However, none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. The Program EIR covers the subject zoning map amendments, and the said amendments are fully consistent with the General Plan Land Use diagram.
- C. Based on the analysis provided in this staff report, no new or unanticipated levels of development are anticipated that were not previously identified in the General Plan and General Plan EIR, and no new or unanticipated traffic, residential or employment density, or construction impacts are expected to be generated because of the rezoning. Therefore, the proposed Amendments substantially conform to the Goals and Policies set forth in the General Plan that were analyzed in the related Program EIR. No further environmental review is necessary.

**ZONE CHANGE**

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

The State of California is experiencing a housing supply crisis, with housing demand far outstripping supply. In 2018, California ranked 49th out of the 50 states in housing units per capita. As noted in the recently adopted Hayward Housing Element, the city is one of many cities in the State that is severely impacted by the housing crisis, experiencing high rates of cost burden, homelessness, overcrowding, and potential displacement of existing residents. The proposed rezoning would remove barriers to allow for a greater variety of housing development on the site.

Unlike the existing Planned Development (PD) district, the Medium Density Residential (RM) district was recently updated as part of the Hayward Residential Design Study. The Hayward Residential Design Study developed objective design and development standards to ensure the development of quality housing which is reflective of the community's values. Therefore, future development of the site under the RM district will be more compatible and consistent with the City's current vision than the Planned Development District that was adopted in 2004.

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

The proposed rezoning from PD to RM District will be in harmony with all applicable City policies including but not limited to the Zoning Ordinance, Hayward 2040 General Plan, and the City Council Strategic Roadmap priority to preserve, protect and produce housing for all. The intent of the RM District, which is to promote and encourage a suitable environment for households of all types and sizes, seamlessly aligns with the existing General Plan land use designation of Medium Density Residential (MDR). The MDR designation allows for the development of detached residential units, attached residential units and multi-dwelling units with a density of 8.7 to 17.4 dwelling units per net acre. The rezoning further aligns with the following policies in the Housing and Land Use Elements of the Hayward 2040 General Plan which focuses on goals and policies to accommodate future growth and promote housing development.

- *H-3.1 Diversity of Housing Types.* The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.
- *H-3.4 Residential Uses Close to Services.* The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- *H-3.6 Flexible Standards and Regulations.* The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.
- *H-4.1 Flexible Development Standards.* The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.
- *LU-1.3 Growth and Infill Development.* The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.

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

No development project is being proposed in association with this Zone Change. However, the change from PD to RM District is consistent with the Medium Density Residential land use designation attributed to the site and analyzed in the Environmental Impact Report (EIR) prepared for the Hayward 2040 General Plan. The General Plan EIR analyzed the streets, utilities, and public facilities, ensuring their capacity for future growth. The rezoning is full consistent with the General Plan land use designation as described further in Finding B.

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

Approval of the rezoning would reclassify the PD parcel as RM, which is compatible with the existing underlying General Plan land use designation of MDR as noted in Finding B. Both the RM zoning district and MDR General Plan land use designation allow for a variety of residential development as well as compatible community serving uses. Any future uses would be evaluated for consistency with the RM District use regulations prior to their establishment. While the current PD zoning only allows for the development of five group homes, the proposed rezoning would expand the development opportunities on the site such as allowing for integrated multi-unit housing which is not obtainable under the existing regulations.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby approves the Zone Change Application No. MTA-23-0005, subject to the adoption of the companion ordinance (Ordinance No. 24-\_\_) rezoning one parcels located at 1103 Walpert Street (Assessor Parcel No. (APN) 445-0040-003-03), to the Medium Density Residential District, subject to the attached conditions of approval (Exhibit I); and finds that no further environmental review is necessary.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2024

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

## **Exhibit I**

**ZONE CHANGE APPLICATION NO. MTA-23-0005** – Applicant/Owner: Arc of the East Bay– Proposed Zone Change to rezone an existing parcel from Planned Development (PD) District to Medium Density Residential (RM) District located at 1103 Walpert Street (Assessor’s Parcel Number (APN) 445-0040-003-03).

### **GENERAL**

1. The approval of Zoning Map Amendment Application No. MTA-23-0005 shall be limited to rezoning of the 4.1-acre site at 1103 Walpert Steet (APN: 445-0040-003-03) from Planned Development (PD) district to the Medium Density Residential (RM) district.
2. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. The permittee, property owner or designated representative shall allow the City’s staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
4. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City’ s requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.
5. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.

## **Exhibit I**

7. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
8. The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
9. Any future development shall be reviewed by the Planning Director or the reviewing body specified by the Zoning Ordinance. Future development shall be compliant with all applicable local and state regulations.

**-END OF CONDITIONS-**