



**DATE:** February 25, 2020

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT:** Adopt an Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map (8473) Application No. 201802159 for 25036-25096 Carlos Bee Boulevard

### **RECOMMENDATION**

That the Council adopts the Ordinance introduced on February 4, 2020.

### **SUMMARY**

This item entails adoption of an Ordinance amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code, introduced on February 4, 2020, by Council Member Lamnin.

### **BACKGROUND**

The Ordinance was introduced by Council Member Lamnin at the February 4, 2020, meeting of the City Council with the following vote:

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b> Zermeño, Márquez, Mendall, Lamnin MAYOR PRO TEMPORE Salinas
<b>NOES:</b>	<b>COUNCIL MEMBER:</b> Wahab
<b>ABSENT:</b>	<b>MAYOR</b> Halliday
<b>ABSTAIN:</b>	<b>NONE</b>

The introduction of the Ordinance included three strong recommendations as follows: 1) explore deed restriction for accessory dwelling units (ADUs); 2) double check the benefit of having a Geological Hazard Abatement District (GHAD); and 3) eliminate natural gas lines.

City staff has revised the conditions of approval contained in the resolution to reflect Council's recommendations. The revised resolution (Attachment III) contains new Condition of Approval No. 33 and revised Condition of Approval No. 39. Deed restricting the ADUs to satisfy the Affordable Housing Ordinance inclusionary requirements would have required special findings by the Council and another public hearing so staff discussed the pros and cons

and decided that the best and most consistent approach would be to allow the applicant to pay the fees as proposed in order to fund affordable housing projects.

The proposed language (red text) in the conditions of approval will read as follows:

**General Conditions – Building**

33. The houses shall be constructed and served by only electric power sources and no natural gas or any other power source will be on this site.

**Grading Permit:**

39. A grading permit issued by the City’s Public Works Department is required prior to the building permits. The permit application shall include plans prepared by the state licensed engineer showing existing and finish grades, earth retaining structures, storm water pollution prevention measures, drainage and other site improvements. The grading plans shall be approved by the City Engineer and include, but not be limited to, the following design & submittal requirements:

- a. Grading and building plans shall consider the findings and recommendations of the Fault Rupture Hazard Evaluation Report prepared by Earth Focus Geological Services (January 2018) and its peer review report by Louis A. Richardson, Consulting Engineering Geologist (December 2018).
- b. Soil investigation report, prepared by a State licensed geotechnical engineer, shall provide design criteria and recommendations for site grading, soil retaining structures, street pavements and storm water pollution prevention.
- c. Slope stability analyses of critical (less stable/steeper) cross-sections shall be submitted to the City with the site grading plans. Such analyses shall be for static and earthquake induced dynamic conditions and comply with the California Geologic Survey (CGS) Publication 117A (2008) Guidelines for Evaluating and Mitigating Seismic Hazards in California.
- d. Depending on the results of the slope stability analysis, the City reserves the right to require a Geologic Hazard Abatement District (GHAD) for the development project with Safety Factors against slope failure or calculated displacements of various anticipated slope configurations close to commonly accepted minimum levels. The commonly accepted minimum Safety Factors as per Chapter 7 of CGS Publication 117A are 1.5 for static and 1.1 for dynamic conditions.

- e. The project developer shall pay for the above stated slope stability analyses, its peer review by an Engineering Geologist designated by the City and for setting up a GHAD as required.

**STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to one of the priorities outlined in the Council's Strategic Roadmap.

**FISCAL IMPACT**

There is no fiscal impact associated with this report.

**PUBLIC CONTACT**

The summary of the Ordinance was published in the Hayward Daily Review on Friday, February 21, 2020. Adoption, at this time, is therefore appropriate.

**NEXT STEPS**

The Hayward Municipal Code and other related documents will be updated accordingly.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



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Kelly McAdoo, City Manager